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5 SELECT COMMITTEE TO INVESTIGATE THE
6 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
7 U.S. HOUSE OF REPRESENTATIVES,
8 WASHINGTON, D.C.

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12 INTERVIEW OF: CHAD WOLF

16 Friday, January 21, 2022

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18 Washington, D.C.

21 The interview in the above matter was held in Room 5480, O'Neill House Office
22 Building, commencing at 10:04 a.m.

23 Present: Representatives Schiff and Murphy.

1

2 Appearances:

3

4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6 [REDACTED] PROFESSIONAL STAFF MEMBER

7 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

8 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

10 [REDACTED] RESEARCHER

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED], SENIOR INVESTIGATIVE COUNSEL & OF COUNSEL TO THE VICE CHAIR

13 [REDACTED] INVESTIGATIVE COUNSEL

14 [REDACTED] ADMIN ASSISTANT AND SCHEDULER

15 [REDACTED] CHIEF CLERK

16 [REDACTED] PROFESSIONAL STAFF MEMBER

17

18 For the DEPARTMENT OF HOMELAND SECURITY:

19 JACKSON EATON

20 JOHN LUCE

21

22 For CHAD WOLF:

23 ANDREW BLOCK

1

2 [REDACTED] All right. This is a transcribed interview of Mr. Chad Wolf
3 conducted by the House Select Committee to Investigate the January 6th Attack on the
4 United States Capitol pursuant to House Resolution 503.

5 Mr. Wolf, could you please state your full name and spell your last name for the
6 record, sir?

7 Mr. Wolf. Sure. It's Chad Fredrick Wolf, W-o-l-f.

8 [REDACTED] Thank you, sir.

9 In the room today are myself, [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 On Teams, we have [REDACTED] who is our senior investigative counsel. We
13 have [REDACTED] who is also investigative counsel with the select committee; [REDACTED]
14 [REDACTED] who is on the professional staff; [REDACTED] who is also a senior investigative
15 counsel with the committee;; as well as Mr. Jackson Eaton from DHS OGC.

16 This will be a staff-led interview deposition, and members, of course, may choose
17 to also ask questions if they join us.

18 Again, my name is [REDACTED] and I'm an investigative counsel.

19 Yes, sir?

20 Mr. Block. Is this going to be a deposition or a transcribed interview?

21 [REDACTED] It's a transcribed interview, yes, sir.

22 Mr. Block. Okay. Thank you.

23 [REDACTED] Before we begin, I'd like to describe a few ground rules.

24 You are permitted to have your attorneys present, as you do.

25 And, at this time, could counsel please state their names for the record?

1 Mr. Block. I am Andrew Block, B-l-o-c-k, counsel for Chad Wolf.

2 Mr. Luce. John Luce, L-u-c-e, counsel for Department of Homeland Security.

3 Thank you. Thank you, both.

4 There is an official court reporter transcribing the record of this deposition.

5 Please wait until each question is completed before you begin your response, and we will
6 try to wait until your response is complete before we ask our next question.

7 The stenographer cannot record nonverbal responses, such as shaking your head,
8 so it is important that you answer each question with an audible verbal response.

9 We ask that you provide complete answers based on your best recollection. If
10 the question is not clear, please ask for clarification. If you do not know the answer,
11 please simply say so.

12 I want to remind you that it is unlawful to deliberately provide false information to
13 Congress.

14 You and your attorney will have an opportunity to review the transcript.

15 Any questions around any of that?

16 Mr. Wolf. No

17 Mr. Luce, do you have something for the record, sir?

18 Mr. Luce. Yes. Thank you.

19 The Department has made available to the committee, consistent with requests
20 from the chairman, information and records that the Department would not publicly
21 release. This includes information and records covered under the Privacy Act, personnel
22 and other personal privacy information, for official use only, intelligence and law
23 enforcement sensitive records, and raw intelligence information.

24 While the Department has made this information and records available to the
25 committee, the Department continues to assert that such information and records

1 provided to the committee and any discussion of such information or records during the
2 course of the transcribed interview is not intended for public disclosure.

3 DHS is not waiving any protections and for the purposes of administrative
4 efficiency and to promote constructive dialogue during the transcribed interview is
5 making this assertion at the outset of the interview to preserve all assertions and
6 protections from public release or disclosure over information or records used or
7 discussed during the transcribed interview.

8 The transcript and any attachments are protected from further dissemination to
9 the same extent as the documents and information they are based on.

10 Please consult with the Department prior to any public release or disclosure.

11 Thank you.

12 [REDACTED] Thank you.

13 Good morning, Mr. Wolf.

14 So just to give you an idea of sort of what the layout will be, I'm going to ask
15 questions mostly about the summer of 2020 and January 6th, sort of compare and
16 contrast the two in terms of the Department's response to both.

17 My colleague, [REDACTED] will then ask questions more along the lines of long-term
18 historic or systemic issues within the Department.

19 And then my colleague, [REDACTED] will then ask questions about election-related
20 issues.

21 Feel free to let me know if you ever need a break, if you want to take a break.

22 Mr. Wolf. Sure.

23 [REDACTED] We also have a separate breakout room for you upstairs so you can
24 have some privacy. And then we'll take logical sort of natural breaks before we
25 transition to the next speaker.

1 And as we alluded to earlier, if a member joins, we'll pause for a moment just to
2 acknowledge the member's presence on the record.

3 Yes, sir?

4 Mr. Block. Just before we get started, I did want to note, as asked by counsel, to
5 note on the record that we have authorization from Homeland Security and White House
6 counsel, received yesterday, January 20th. The DHS letter is signed by Sharmistha Das,
7 deputy general counsel at DHS. The White House letter is signed by Jonathan Su,
8 deputy counsel for the President.

9 Thank you very much. I appreciate that, Mr. Block.

10 EXAMINATION

11 BY

12 Q All right. Sir, let's start with just some brief background information.

13 What was your position between January 2020 and February -- and excuse
14 me -- and January of 2021?

15 A Acting Secretary.

16 Q Okay. And currently you're a private citizen. Is that correct, sir?

17 A Correct.

18 Q Okay. I want to start, sir, with the summer of 2020 and talk about that a
19 little bit, and then move on to January 6th, and then sort of contrast the two.

20 And I'd like to begin our discussion with -- in the beginning of summer of 2020,
21 particularly as it relates to the civil unrest that was occurring after -- particularly after the
22 murder of George Floyd.

23 At that time, you were the Acting DHS Secretary, correct?

24 A That's correct.

25 Q Okay.

1 A Just so I understand the timeframe, so that's late May, early June --

2 Q Yes, sir.

3 A -- is the start time of that?

4 Q Yes, sir.

5 A Okay. Got it.

6 Q Okay. To the best of your knowledge, walk me through sort of what you
7 recall the Department's response being to the unrest during that period of time.

8 A Well, as the unrest unfolded in different cities across the country, our
9 primary responsibility was to ensure that DHS facilities were protected, mainly by the
10 Federal Protective Service in their duty to protect Federal assets, courthouses, things of
11 that nature, across the country, as well as DHS -- I mean, you know, such as ICE offices
12 were targets in the past and certainly in the summer of 2020 for some activity as well.

13 So our primary responsibility was to make sure that DHS facilities had the right law
14 enforcement posture that they needed to protect those facilities and the people inside of
15 those facilities. That's initially how it started.

16 As a law enforcement agency, we always take any requests from other law
17 enforcement agencies seriously. And if we have the assets, if we have the resources to
18 respond and to help them, then we did -- I should say DHS did -- and we did it throughout
19 the summer of 2020.

20 Q Was there any interagency coordination or involvement during that time
21 period? And, if so, could you talk about that a little bit?

22 A With who?

23 Q With -- I'm sorry -- with other law enforcement or national security
24 organizations with respect to preparing for or responding to the civil unrest.

25 A A lot of what DHS did, the vast majority, I should say, to my recollection, of

1 what DHS did was internal to DHS, again, protecting DHS or FPS protected facilities.

2 We did coordinate quite a bit with the Department of Justice, particularly when
3 we were asked to supplement any investigations that they had ongoing. So a lot of that
4 coordination, again, would happen at the law enforcement level, but it was primarily with
5 the Department of Justice.

6 If we're talking about anything that we were responding to perhaps in the District
7 of Columbia, then there is a wide variety of law enforcement agencies that we would
8 coordinate with -- Department of Defense, National Park Police, you know, the list goes
9 on and on and on. There is a long list of law enforcement folks that get involved inside
10 the District.

11 Q Yes, sir.

12 And earlier you mentioned that the Department will respond to requests for law
13 enforcement assistance with law enforcement assets if they're available.

14 Were there any such requests made of the Department at that time? And, if so,
15 what was the Department's response?

16 A In the summer?

17 Q Yes, sir.

18 A To my recollection, although I can't tell you specifically because I don't recall,
19 but, yes, we got requests from local law enforcement agencies, needing -- mainly on the
20 intelligence side, if we could help them understand who was coming into their
21 communities, how many, do we have any information like that. So we responded that
22 way.

23 I think, with hard assets, maybe we responded once or twice with some
24 surveillance equipment that we were requested to provide. That may -- I'm not going to
25 speculate on who that was. I think it was in Michigan, but -- so it would be requests like

1 that.

2 Q Thank you, sir.

3 And let me detour for a moment geographically and move to Portland and ask,
4 was there a similar law enforcement posture of the Department in Portland? And if it
5 was different, can you talk about how and why?

6 A Initially, it was different. Initially, Portland was like any other Federal
7 facility that FPS protected. There's very few FPS officers. [REDACTED]

8 [REDACTED] To the best of my recollection, that's
9 how many are there full-time, outside of a major incident occurring. That's how many
10 were there at the beginning of the issues that we experienced there in the summer of
11 2020.

12 Those officers, before they were -- before we provided additional assistance, it
13 was those [REDACTED], perhaps even upwards to a month,
14 before we could understand what was really going on.

15 Now, at the local level, I came to find out that they coordinated pretty well with
16 Portland Police. A little bit with State Police as well. Unfortunately, that coordination
17 ended shortly into the situation in Portland because of city ordinances and other things
18 that the city council and the mayor was doing.

19 So it made it -- to my recollection, they passed an ordinance where they basically
20 told Portland Police they cannot coordinate with the Federal officials at the courthouse.
21 So that became problematic for a variety of different issues.

22 Q Yes, sir.

23 Was there any assistance provided -- you mentioned local law
24 enforcement -- from other Federal agencies in Portland, to your recollection? And, if so,
25 do you recall what that was?

1 A Well, the U.S. Marshals Service obviously protects inside of that courthouse,
2 that Hatfield Courthouse. So Federal Protective Service was in charge of the perimeter
3 security, sort of the physical security.

4 Once individuals made it into the courthouse for court appearances and whatever
5 their business was in the courthouse, the marshals would then take over. DHS did not
6 do inside the courthouse.

7 So, from that perspective, yes, Department of Justice and others were involved.

8 Q And do you know if any other DHS component agencies were involved, like
9 ICE or Secret Service, in terms of supporting FPS in Portland, Oregon.

10 A Well, certainly as it -- as the situation throughout the summer of 2020 there
11 in Portland, absolutely, there were a number of different operational agencies within DHS
12 that were supporting, anywhere from I&A, Intelligence and Analysis; CBP, Customs and
13 Border Protection; Immigration and Customs Enforcement.

14 Secret Service, I don't require -- I don't recall a big presence, but they may
15 have -- it may have been -- pulled in some assets from the West Coast. But the two
16 major ones were CBP and ICE.

17 Q Thank you, sir.

18 It's been reported publicly that during that time the law enforcement presence
19 that was there lacked markings on uniforms, traveled in unmarked vehicles.

20 I was wondering if you could just share with me from your perspective sort of how
21 that came to be and sort of what the thinking was behind that.

22 A So I've commented extensively on this. We had a hearing on this. I
23 believe it was before the Senate -- Senate Homeland Security, but I'm not sure -- about
24 Portland. And so things that you mentioned, such as uniforms, unmarked uniforms,
25 unmarked -- I've been over that in a lot of detail.

1 A lot of that has been incorrectly reported. A lot of that has been, for lack of a
2 better term, debunked.

3 So we had -- what we had to do to protect that courthouse is we had to -- I first
4 asked -- are we good?

5 Q Yes, sir.

6 A Okay. Sorry.

7 We first requested Portland Police or Oregon State Police to provide some
8 assistance with protection of the courthouse. Again, for a variety of different reasons,
9 they chose not to engage.

10 So we sent other DHS law enforcement assets to Portland, and they wore their
11 uniforms that they would wear during the course of their duties, whatever they were
12 doing, whether that was tactical teams from ICE or from CBP.

13 So they wore those uniforms in Portland. All of them had their names on them
14 until they didn't. They were getting doxxed by the violent individuals there, so we took
15 their names off, and we put numbers on there so you could still identify the individual by
16 the number, but not their name, for obvious reasons.

17 So that continued June, you know, into July. I think it actually started end of
18 June, first part of July into August throughout the course of some of the most difficult
19 nights in Portland.

20 Q Thank you, sir.

21 ████████ I just want to take a moment to recognize that
22 Representative Murphy had joined us.

23 Good morning, ma'am.

24 Sir, you also mentioned --

25 Mrs. Murphy. Good morning.

1 BY [REDACTED]

2 Q Sir, you also mentioned that part of the assets that were brought to bear on
3 the issues in Portland and then the civil unrest during the rest of the summer involved the
4 Department of Intelligence and Analysis.

5 And I was just wondering if you could sort of explain to me from your perspective
6 what was the role of Intelligence and Analysis. And we'll short script it and call it I&A.

7 What was their role at the time? And what information did they provide you in
8 terms of informing your decision about how to address those issues?

9 A Sure. Let me back up before I hit I&A.

10 What we did at the onset of some of the civil unrest, there was an -- there is an
11 office inside of DHS called Operations Coordination that runs the DHS Watch, that does a
12 number of other operational things.

13 Throughout the course of 2019 and 2020, we were trying to build that office up to
14 actually coordinate things such as civil unrest -- we didn't have that in mind at the
15 time -- but crosscutting issues across the Department where you would have to bring in
16 different operational components.

17 So we really -- we stood that up, and obviously that got a lot of exercise during the
18 summer of 2020. So there became a pretty good battle rhythm of being able to
19 coordinate assets coming in from different parts of the Department -- who had assets
20 where, who had personnel available to go where and when.

21 Normally that was, to my understanding, that was previously done out of the
22 Secretary's office. Myself and others before me didn't think that was a great idea. We
23 needed professionals doing that. So they do that. Hopefully they still do that today,
24 but they did that in summer of 2020.

25 I&A would feed into that process. They would feed in what they were seeing,

1 what they were hearing, into the Operations Coordination.

2 Again, this is a big -- it's a big cell when it pluses up in times such as that. So you
3 would have folks from all over the Department coming in and sharing information,
4 providing information.

5 The way --

6 Q Can I ask you a couple of questions about that for a second?

7 A Well, I was going to answer the last part.

8 Q I'm sorry. Go ahead.

9 A The way I got my information from I&A was usually a morning brief. There
10 is a lot of written product provided, created in the Department. A lot of it is titled
11 "Secretary such and such." There is no way to read all of that every single day. So we
12 did -- I read what I did.

13 But usually the intelligence brief in the morning was their time to say: Here's
14 what you need to know. Out of, you know, there's 12 things put in that paper, here are
15 the 3 things we need to talk about type of thing.

16 So I would get that, and then I had an open-door policy that, if they needed to pop
17 up for any times that was breaking or something very significant, they needed to come in.

18 Q Copy that, sir. Appreciate it.

19 I want to go back to the Ops Coordination cell. So is that sort of like a watch
20 floor that has like an incident manager and their job is to manage the incident, or --

21 A Well, it does have that. The DHS Watch is a pretty large space where it
22 does everything a watch would do, and to coordinate all the activities of the Department.

23 But the gentleman running it, from an executive level, was also the individual that
24 would reach out to CBP and to reach out to ICE, reach out to FPS, to say, "What are you
25 seeing on ground? What do you need? Do you have enough assets?" And then, if he

1 needed to call the Commissioner at CBP, he would do that, given his executive-level role.

2 So that was designed and we put that in place at the career level, but also at a
3 staff level to get that done before -- we didn't want that being done by a front office.

4 That's not appropriate or a good use of time.

5 So we needed people that knew that to pull those assets together and then to tee
6 up recommendations if they needed approval to do certain things.

7 Q Understood, sir. So it sounds like the incident manager, if he or she were
8 going to move forward -- or let me ask it this way.

9 If the incident manager wanted to move forward and execute on something, what
10 was their level of their ability to do that on their own? Did they have to come to you or
11 to your deputy for authorization? I'm just trying to get a sense of what latitude that
12 person had.

13 A We gave them -- well, obviously it evolves over time. As we became more
14 comfortable with the decisions we were making, we gave them -- or I gave
15 them -- latitude that, if they needed to move assets around the country for us to fulfill our
16 statutory responsibility, they didn't need to wait on permission from me to do so.

17 Q Okay. And you said --

18 A Now, if they were going -- sorry.

19 Q Go ahead. Sorry. Please.

20 A If they were going to move 500 to a thousand, that's significant enough, they
21 were going to -- I didn't give them direction to come to me, but they came to me.

22 Q They came to you.

23 A Something that significant where it would disrupt operations from wherever
24 they would pull from. The idea was they would pull from areas where it would not
25 disrupt ongoing operations.

1 Q Understood.

2 And earlier you mentioned that part of that DHS Ops process or cell was an I&A
3 briefing, and I want to talk about that just for a little bit.

4 Was that briefing just to you? Was it to the Watch floor staff? Like who was
5 the audience for that?

6 A So two things. I&A communicated directly to Ops without me there. I
7 mean, that's sort of the everyday normal cadence of how they would do. What I was
8 describing was really an intelligence briefing that I received as Secretary.

9 Q Okay. So that was an individual briefing just --

10 A That was an individual briefing with -- depends on the issue -- three or four
11 people in the room. It started for me with the PDB, with them not in the room, and
12 then it would evolve to bringing more people in that would just go more specific to DHS
13 intelligence.

14 Q And I think I know what PDB means, but just for the record, could you --

15 A President's daily brief.

16 Q Thank you, sir.

17 So let's talk about I&A with specific reference to Portland.

18 Do you remember -- you said, you know, out of the 12 to 15 things, they would
19 brief you on the top 3 or 4 they thought you needed to know.

20 Do you recall if any of those ever involved threat information about Portland or
21 what was going on in Portland, threat landscape, that sort of thing?

22 A Prior to or during?

23 Q Let's start with prior to and then move on to during, yes, sir.

24 A A lot of information, to my recollection, a lot of the information that I&A
25 would get, they would first -- they would be in contact with FPS. So as FPS was seeing

1 more and more activity in Portland after hours, at night, concerning activity, that would
2 get fed back into the Department, including I&A, and then I&A would then start to look,
3 then start to, you know, do their job.

4 I don't recall, other than just the normal, "We've got protests in Portland and
5 Seattle," which was a kind of a constant state of affair, which didn't concern us at all, I
6 don't recall hearing a lot of intelligence about violent activity in Portland months and
7 months prior to Portland. That kind of came about as the activity started.

8 And so I&A then picked up their reporting as that started to unfold, and so we got
9 more granular activity as those days and weeks and months unfolded.

10 Q So as the situation is evolving and developing, it sounds like I&A's
11 contribution to you is becoming more and more robust.

12 A Yeah. My understanding is they put more people on it. They put more
13 time and assets on it to trying to understand.

14 We were trying to answer some very difficult questions at that time, along with
15 the Department of Justice. How are individuals getting such -- how are they getting
16 explosives into the middle of the city? How are they doing certain things? And so I&A
17 would just feed into that.

18 Q Yes, sir.

19 Did I&A share with you -- or let me ask the question this way.

20 Was there any discussion about individual groups that people were concerned
21 about, whether it be White supremacy groups, like Oath Keepers or Proud Boys, or a
22 leftist group like -- leftist groups like antifa? Do you recall that there was a focus or
23 discussion about that with specific reference to Portland? And then we'll move on to
24 Lafayette Square.

25 A There was always a question in Portland. My focus was on the violent

1 individuals that were in the park across the street from -- it didn't matter who they were.
2 Didn't matter what ideology. Whatever it was. If they were attacking law
3 enforcement at night, that was my concern.

4 I think there was always questions of who is this group, is it organized, is it not
5 organized, or is it just people kind of coming in at night? There was always a question.
6 It was never really definitively answered to my recollection.

7 Department of Justice, FBI also had assets there as the situation in Portland went
8 on to do some of that intelligence-gathering investigation.

9 And so we were always, is this more organized than we can see? And, if it is,
10 who is funding the organization of this group?

11 But my immediate concern from a DHS perspective was protection of that
12 courthouse, is whoever showed up across the street in the park wearing all black with
13 hammers and bats, IEDs, that were targeting law enforcement, that was my concern, and
14 it really didn't matter who they were.

15 Q Yes, sir. And you mentioned that other agencies like DOJ were involved in
16 sort of the investigative part of that in terms of trying to figuring out who these people
17 were and what they were doing. Did DHS do any investigative work in that regard, do
18 you recall?

19 A We would have been supportive if they asked. That's usually how
20 that situation worked.

21 So if we had intelligence or anything to bear on that, that conversation,
22 particularly from arrests that we were making and things of that nature, then we would
23 feed them into the U.S. attorney who was there in Portland, as well as any of the FBI
24 assets.

25 Q Yes, sir.

1 So same set of questions now, but shifting to Lafayette Square.

2 Were you given any specific information about particular groups that folks were
3 concerned about? Sort of what was that level of information juxtaposed to Portland?

4 Mr. Block. Can you just specify what time you're talking about?

5 [REDACTED] Sure. So I think the timeframe we established earlier was the May
6 to June timeframe. So I think that's where we still are.

7 Mr. Wolf. Okay.

8 I recall a lot of activity around Lafayette Square in July, but I may have that wrong.

9 Again, from my perspective, we were hearing -- when it came to -- D.C. is, as you
10 know, very different than Portland, the activities that would take place in the District,
11 because you would have both sets of groups on either side, whether it was, you know,
12 you said them, Proud Boys, or whoever it might be, all the way up to antifa and everyone
13 else.

14 So we were always concerned about who was in, and we would try -- who was in
15 town. We would try to understand who was in town, what were their numbers, so that
16 we could position our law enforcement assets accordingly.

17 And so, again, from my perspective, it didn't -- we had to walk a fine line at DHS,
18 right? All of these groups can protest. They can all say what they want to say. They
19 have First Amendment rights to do that. And so I don't -- I did not give direction, nor do
20 I believe DHS tracked groups on those matters.

21 It was only when we understood groups were starting to get violent and were
22 going to start breaking the law, then we started focusing more on what -- who they were,
23 what their activities were, so that we could respond accordingly.

24 You know, there is a lot of other assets, when we talk about Lafayette Square, that
25 I don't think I can mention in this setting, that were used to understand who these groups

1 were. That also fed into our decisionmaking.

2 BY [REDACTED]

3 Q Understood, sir.

4 And earlier in your comments you said you recalled a lot of the activity happening
5 in July.

6 What do you recall happening in July?

7 A Around July 4th.

8 Q Around it. So same -- the same --

9 A It was the same, yeah. It was just --

10 Q Okay. But --

11 A I remember it being more pronounced around the July 4th holiday.

12 Q Understood, sir.

13 So around that timeframe it's been reported publicly that then President Trump
14 had made some comments about antifa or other anarchist groups sort of being
15 responsible for what was going on.

16 Did the White House convey that sentiment to you directly or to your
17 Department? And, if so, what did they talk about, and sort of how was it received?

18 Mr. Luce. I object.

19 Are you good?

20 Mr. Block. Go ahead.

21 Mr. Luce. I was going to say, as far as communications with the White House
22 during the summer of 2020, I think it's okay to acknowledge if they occurred, but we
23 shouldn't get into the specifics of what was discussed.

24 [REDACTED] Okay. So let's start with --

25 Mr. Wolf. Can you repeat that?

1

 Sure.

1

2

BY [REDACTED]

3

4

Q Let's just start with, did you have any communications with the White House during the summer of 2020?

5

A Yes.

6

7

Q Okay. Did any of those communications with the White House affect how you either were assessing or responding to the unrest during the summer?

8

A No. Zero.

9

10

11

12

Q At any point in time did the White House ever express any displeasure with you for how you were publicly addressing this issue? In other words, were they happy with what you were doing, or did they convey to you that they were unhappy with what you were doing?

13

Mr. Block. I think that that probably gets into the content of --

14

15

Mr. Wolf. I had conversations with the White House obviously during the summer of 2020 as civil unrest was unfolding across the country.

16

17

The only conversation -- I mean, the conversation was the same thing every time: Do your job. Do your job. That was it.

18

[REDACTED] Understood, sir.

19

[REDACTED] Can we just take one second here?

20

21

Andrew, is this part of the White House authorization letter? Because it might be helpful if we looked at that so we know what your concern is.

22

Mr. Block. Yeah, sure.

23

So the White House authorization letter -- do you want me to just read it, or --

24

[REDACTED] That would be fine.

25

Mr. Block. I can try and -- I can forward it to you. What would you prefer?

1 [REDACTED] Sure. Just forward it to me, and then I can get it copied.

2 [REDACTED] Do you want me to get a copy?

3 Mr. Block. Yeah. How about that? That works.

4 [REDACTED] Thanks.

5 [REDACTED] So let's just take a pause here until they come back with the letter.

6 Thank you so much.

7 [Recess.]

8 [REDACTED] [REDACTED], can you just unmute us? Thank you, sir.

9 Okay. So, Mr. Block, I understand you had some concerns about the line of
10 questioning that I was pursuing, and you wanted to reference the authorization letters
11 either from DHS and the White House. So --

12 Mr. Block. So I am going to defer to DHS counsel, Mr. Luce.

13 [REDACTED] Okay.

14 Mr. Luce.

15 Mr. Luce. Certainly. My understanding from the authorization letter is,
16 consistent with the letter, it's okay to talk in general about what occurred during the
17 summer of 2020 from a factual basis and what DHS did in response. But as far as
18 deliberations and internal communications and communications with the White House,
19 we can acknowledge when they occurred or what communications occurred, but not get
20 into the specifics of those internal governmental discussions.

21 Mr. Block. And I would just say that's how I also understand the White House's
22 authorization.

23 [REDACTED] So I think that the question before we took the break was, did
24 they express -- [REDACTED], I don't -- I forget how you framed it.

25 [REDACTED] Right.

4 Mr. Block. Sure. And I actually do think the witness did answer that. And I
5 think kind of what we're comfortable with, from my perspective, I'm comfortable with
6 where we are, that we haven't gone into the privilege. I'll let DHS counsel speak for
7 DHS.

8 I think trying to drill more into specifics could get thorny given the authorization
9 that we have.

10 Got it.

11 Mr. Luce. Agree.

12 [REDACTED] And we could at least hear the names of the people who were
13 your White House contacts?

14 Mr. Wolf. I'm sorry. What was the question?

15 [REDACTED] Who was your contact at the White House? When you said
16 there was lots of contacts at the White House, who would that be?

17 Mr. Wolf. Do you want me to answer?

18 Mr. Block. Yeah.

20 Mr. Wolf. Okay. It would be a variety of different folks. It would be Chief of
21 Staff Meadows primarily, I would say 90 percent of the time. And it was more or less
22 providing him an update on what was going on and how DHS was responding.

23 When there was a lot of press inquiries, I would talk with whichever press person
24 they would put on the phone with me. So it was usually press and usually the chief of
25 staff's office.

1 [REDACTED] Got it. Thanks.

2 [REDACTED] All right. If you'll all just give me a minute.

3 BY [REDACTED]

4 Q So I think I just have one more White House-related question, and then we'll
5 move on.

6 I guess, generally speaking, sir, did any -- was there any -- your ability to respond
7 to the arrests as you saw fit, was that at all affected by any of your communications with
8 the White House at any time?

9 A No.

10 Q Okay. So let's shift the focus back to I&A specifically.

11 A Okay.

12 Q And I think, if memory serves, this is in relation to Portland. And it's been
13 publicly reported that I&A was gathering information on individuals, preparing sort of
14 information on individuals.

15 I was wondering if you could explain to me from your perspective if you're aware
16 of that and sort of what your understanding about what that was all about.

17 A Sure. Do you want me to talk about what I did because of that, or do you
18 just want me to talk about my understanding of it?

19 Q Well, why don't we start with your understanding, then move on to what
20 you did about it, yes, sir.

21 A Okay. So, as you explained, I became aware that there was an issue of I&A
22 collection of information on certain reporters specifically.

23 I was not made aware of that until a press report hit 6, 7 o'clock one evening. I
24 don't recall what the press -- what the -- who it was.

25 I read it. It was concerning. I should say, during my time as chief of staff or

1 even Acting Secretary, a lot of misreporting went on, so I don't read every news article
2 and say, "Oh, the world is on fire," because a lot of it is just incorrect.

3 This one gave me enough pause because of enough specifics that I convened a call
4 about an hour after I read that -- it was around 8 o'clock -- with the acting head of I&A,
5 general counsel -- may have been two or three other people on the phone -- asking him
6 to please explain what this was and how this press reporting was incorrect.

7 After 30, 40 minutes of him not being able to really articulate how it was incorrect,
8 it became clear there was a bigger issue here. So I gave him a verbal direction to stop
9 whatever program that was until we could sort it out in the morning.

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18 Q And what was your understanding, sir, what the much larger problem at I&A
19 was?

20 A Misuse of authorities, misuse of information, misuse of position, leadership
21 issues, not clear direction to analysts. The list goes on and on and on. It was big. It
22 wasn't just one issue with one program that was maybe a misunderstanding. It was
23 something more systemic, at least what I was being told. And they -- again, when I had
24 that recommendation, I took that recommendation and referred it to the IG.

25 Q Okay. And what, if anything, else did you do after you referred it to the IG

1 with specific -- specifically to who was in charge and who was running what?

2 A So I had a meeting with the individual, the Acting Under Secretary, and said,
3 "Look, here is my understanding of what's going on. Here is what I've been told. I've
4 got to refer this to the IG. Because there have been a number of complaints regarding
5 you, we're going to reassign you during the ongoing investigation. The investigation
6 comes back, you did nothing wrong, you go back into your position, and we're fine."

7 He disagreed with that pretty strenuously, said that his career was over, on and on
8 and on. I'm happy to go into it chapter and verse.

9 I said, "I understand those concerns. I don't have any other choice. The
10 allegations and some of the findings are pretty significant, that they need to be
11 investigated by an outside entity, and I don't need you there to be influencing that
12 investigation."

13 He can't sit in the office and have his analysts right next to him being interviewed.
14 I mean, that's -- it's not how that works.

15 So that's kind of how that unfolded.

16 Q Yes, sir.

17 And was there ever a conclusion reached by the folks who were looking into it?
18 And, if so, did they communicate that to you?

19 A Not by the time I left.

20 Q Okay. So it's -- by the time you left, it hadn't been done, it hadn't been
21 completed yet, or hasn't been -- hadn't been reported yet?

22 A Actually, let me back up.

23 Mr. Luce. And just one other thing.

24 Mr. Wolf. Yeah.

25 Mr. Luce. As far as like -- I think there are multiple inquiries into what occurred

1 within I&A, so it would be helpful to make sure we're consistent between like the OGC
2 look versus the OIG look.

3 Mr. Wolf. Right. Right. Sorry.

4 Appreciate that. Thank you.

5 Mr. Wolf. So counsel is right. So multiple inquiries are into what's going on at
6 I&A. OIG has the primary responsibility to see if there is any criminal activity, you know,
7 anything bad that's going on.

8 OGC, through career attorneys, were looking at more systemic leadership,
9 management issues. So you had -- OGC's was on hold until the IG kind of started to
10 work that out.

11 I got the report from OGC, so that was concluded. To my knowledge -- or to my
12 recollection -- I don't recall the IG report being finished by the time I left.

13 Understood, sir.

1

2 BY [REDACTED]

3 Q So let me make sure I'm tracking. So, if I recall, in the beginning, after you
4 had the telephone conversation with the employee, OG -- oh, sorry, before -- let me back
5 up.

6 You read about it. You have a telephone conversation. The next day, you're
7 advised, before you do anything further, let OGC go in and take a look. They come back,
8 and I guess they gave you like a preliminary sort of --

9 A A verbal.

10 Q -- sense of what was going on.

11 A Correct.

12 Q That's when you called the individual in, had the discussion you already
13 referenced. And then it was reported to OIG.

14 A Correct.

15 Q Is that when OGC put theirs on hold? I'm just trying to figure out if they
16 were running parallel, in tandem, to one side?

17 A Again, you would probably need to ask them specifically.

18 Q Okay.

19 A But, yes, to my recollection is the IG asked them to hold until they could look
20 at all the facts, until they could decide what type of look they were going to do into it.

21 Q I understand.

22 A And that's common practice. And then they got involved once they got the
23 go-ahead from OIG.

24 Q Yes, sir. And I think you mentioned that you had gotten the report from
25 OGC. Do you recall what they concluded?

1 A It was a very lengthy report. So I couldn't tell you what -- it's systemic
2 problems -- systemic management problems, leadership problems, lack of training, lack of
3 direction -- which kind of built over time to what occurred in Portland.

4 I don't think OGC addressed the issue of the actual incident. I think that was
5 more the IG. But they were trying to understand what was the atmosphere and what
6 was going on in I&A that led to this. That's how -- that was my impression of what they
7 were doing. And then the results of that lengthy report. I think it was 20, 25 pages.

8 Q Yes, sir. I appreciate that.

9 [REDACTED] Before I segue over to January 6th, I'll stop and ask if anyone has
10 any questions related to the summer of 2020 that they'd like to ask Mr. Wolf before we
11 transition.

12 No thanks,

13 Okay.

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BY [REDACTED]

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Q So, sir, let's transition to the January 6th timeframe, and let's start with pre-January 6th.

5

6

What involvement did DHS have in sort of the preparation leading up to January 6th? Sort of what was their posture, what were they doing, that sort of thing?

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A So it was happening, again, in that Operations cell. A lot of coordination at the staff level between DHS, DOJ, DOD, National Park Police, you know, on and on and on. Large coordination calls that were occurring beginning in, from my recollection, late December, leading into early January as the 6th approached.

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At some time around maybe the 2nd, maybe the 1st or the 2nd, senior-level calls started happening to where the Acting Secretary of DOD was on these calls. I was on a few of those calls. But a lot of it -- a lot of the work was occurring at the staff level beforehand.

15

Q Yes, sir.

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Prior to the level shift to the sort of Cabinet-level involvement, did the incident manager or anyone on the Ops floor, were they reporting to the front office with any regularity about what they were -- like how was information communicated about what was going on, understanding that it sort of elevates over time?

20

21

But, in the beginning, was there sort of regular reporting from the Watch floor to the front office?

22

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24

25

A I would say it was, to my recollection, it was very similar to what we had received leading up to the election and post-election, which was anytime there was a substantial event occurring in D.C., we were made aware of it. And it was who's coming in, are there any affiliations to groups, so that we could understand kind of what their

1 motives could or could not be so that we could plan accordingly.

2 So, again, leading up to the election, after the election, into December, into late
3 December, early January, because that -- it was a constant -- that was the constant
4 intelligence we were receiving.

5 So as it was leading up until late December, it was -- there appears to be a
6 permitted event that's going to go on. The numbers look like they're -- you know, over
7 days, the reporting looks like it's getting higher and higher and higher. Now it looks like
8 it's 30,000. Well, that's different than 10,000. And how we posture ourselves is
9 different for that as well.

10 And I would just add that our main concern -- or my main concern -- at the time
11 was what we had seen throughout the summer and throughout the fall, which was you
12 were going to have groups on either side, and so you were going to have counterprotests.
13 And usually where those counterprotests interacted was where you had the violence.
14 We saw that outside the RNC. We saw that in numerous other places.

15 And so we were talking interagency, I know at the staff level, of where do we think
16 those hotspots will be and how do we put assets there.

17 Q Yes, sir.

18 And it sounds like -- and I appreciate that answer -- it sounds like the Ops
19 Coordination cell was active in November and December, or were they?

20 A They were active starting in April and stayed active until I -- again, the office
21 is always active. Now they surge up.

22 Q I understand.

23 A But they were at a pretty high cadence from April until I left.

24 Q So the OPSTEMPO picked up as we sort of moved from April towards --

25 A I'd say it wasn't a slow burn. It was a high burn, and then they stayed

1 there.

2 Q And then they stayed there. And do you recall when they hit the high burn
3 part?

4 A Probably after George Floyd's death.

5 Q Okay. And what was the battle rhythm? Was it a 24-7 Watch floor?
6 Were they 12-hour? I'm just trying to figure out how --

7 A It was 24-7.

8 Q 24-7. Yes, sir. Okay.

9 Earlier in our discussion, you mentioned that you got a daily intelligence brief from
10 I&A where they would give you sort of the top three things they thought you needed to
11 know.

12 Do you recall if you got any briefings like that around this timeframe that were
13 specific to January 6th in terms of --

14 A It was general intelligence. Again, as I mentioned, the previous answer of
15 there is a large demonstration of some kind, you know, coming up. We see this
16 big -- obviously the 6th has a significant -- significance. And so any protests that -- you
17 know, we're starting to pull together all the intelligence comes in.

18 So, yeah, again, late December, early January, we're sort of getting a constant
19 stream of -- I wouldn't say it was -- I think that's maybe the misnomer. It's not
20 intelligence in the sense of what most people would consider intelligence, which is some
21 super secretive. It was just here is what's out on -- you know, here is what we can find,
22 and to better inform decisionmakers, like here is who we think is showing up.

23 A number of hotel rooms had been rented out. That's how they usually gauge
24 who's coming into the District. Permits have been pulled. Buses are now -- you can't
25 find a bus, so people are being bussed in.

1 So I'm getting that type of intelligence leading up to the 6th.

2 Q Right. And I'm glad you mentioned that.

3 So not traditional intelligence as sort of subject to classification level, but more
4 sort of overall information, general intelligence -- air quotes -- threat information about
5 what was going on.

6 A Correct.

7 Q Did any of that discussion -- now that we've sort of made a distinction
8 between the two -- did any of that include any actual intelligence, sort of classified
9 reporting? I don't want to know what they were, but I just want to know if that was
10 part of the mix of information you were getting.

11 A I don't recall any specific. That's not to say that there wasn't any. There
12 certainly could have been. But not one piece stands out more than --

13 Q Than the other?

14 A Than anything else.

15 Again, that meeting was also with the Deputy Secretary. Sometimes he would
16 do that meeting separately, and he would have the intelligence folks come in and brief
17 him as well. So when we say it was the Secretary's meeting, we use that -- we used that
18 term kind of loosely. The Secretary's office also includes the Deputy Secretary's office.
19 So the two offices, with counselors, with a number of folks.

20 Q Yes, sir.

21 And just to connect it back to an earlier part of our conversation, we wrapped up
22 the discussion about sort of what happened with I&A after Portland.

23 What was your understanding of I&A's role during the January 6th timeframe?
24 Understanding that sort of there had been this transition of personnel and leadership,
25 what did you understand sort of their role to be?

1 Or maybe the better question is, did their role change at all from December to --

2 A No, not to my understanding. Again, once we removed the individual
3 or -- sorry -- reassigned the individual, I assigned a career attorney as the Acting Under
4 Secretary, and I gave him very simple direction, which was go fix what was ever broken,
5 and I leave it up to you to figure out how to do that, how to better train them, give them
6 better direction, they know what to report, what not to report, and go fix it. You don't
7 have a lot of time.

8 And so [REDACTED] set off to do that, would provide updates from time to time.

9 But everything I was hearing secondhand was people in I&A liked Joe. They liked his
10 leadership. They liked what he was doing. It seemed as though -- again, secondhand
11 information -- it seemed as though the morale was picking up in I&A, because it had hit
12 rock bottom during the incident that we had talked about.

13 Q Yes, sir.

14 A Any improvements that he may have made to the open-source reporting or
15 any other programs were at his discretion. I gave him no direction to do one thing or
16 the other. It was just please fix whatever occurred regarding targeting specific
17 reporters.

18 Q Yes, sir. I appreciate that.

19 You mentioned earlier in your comments that the battle rhythm of the Ops Center
20 was sort of at the executive staff level, and then, at some point, it sort of picked up to
21 Cabinet level where you or your deputy or your equivalents across the other departments
22 were involved.

23 Do you recall sort of what precipitated that shift and when that shift might have
24 occurred?

25 A Is that a question in reference to January 6th, or is it December --

1 Q Oh, I'm sorry. To January 6th. I apologize.

2 A I think it kicked up around the 1st.

3 Q Around the 1st?

4 A I mean, again, to the best of my recollection, without having my calendar in
5 front of me --

6 Q Sure.

7 A -- or notes, I recall those being convened on the 1st.

8 Q Appreciate --

9 A Or not on the 1st, but around the 1st.

10 Q Around that timeframe.

11 And do you remember why there was the shift? Was it --

12 A I don't know that it was a dramatic shift. I know that -- my recollection is
13 that the Acting Secretary of DOD actually participated on a lot of staff calls, so maybe his
14 participation was earlier on. I can only talk about the invitations I got, I believe, to those
15 phone calls.

16 Now, obviously we were doing a lot of internal staff coordination, making sure
17 that DHS assets were in place, and then Director Tomney from the Ops Coordination cell
18 was doing that.

19 I can only recall the invitations of the calls that I received. I believe they started
20 coming in around the 1st.

21 Q Yes, sir.

22 And, on those calls, the ones that you can recall participating in, sort of what was
23 the general nature of the discussion? Was it sharing of assets and information? Was it
24 sort of coordination? Like sort of what was the general nature of those discussions?

25 A It was mostly tactical. It wasn't -- it was, has everyone seen the

1 intelligence? It wasn't an intelligence discussion. We -- everyone was seeing the same
2 intelligence, whether it was DOD, DOJ, I&A.

3 Now, if anyone had a question about anything, they would raise it on that. But it
4 was more, to my recollection, it was much more tactical. It was, you know, we may
5 have an issue on the Mall. National Park Service, you have jurisdiction over that. Do
6 you have assets? What kind of assets do you have in place? Do you need more? Do
7 you need less?

8 And it was sort of -- it would go around the call, because different entities had
9 different jurisdiction. And so they would -- it would kind of be that type of discussion.
10 What are you hearing? What are you seeing? What do you need? Do you need
11 more assets?

12 Q Yes, sir.

13 A Or not necessarily more assets. It was, what do you have? How
14 can we help? Do you need any help? Or can you help others? So it was kind of a -- it
15 was a free-flowing conversation from what I recall.

16 Q Yes, sir.

17 And you mentioned earlier that one of the things you all discussed is, was
18 everyone seeing the same information or same intelligence?

19 Did you get the sense that everyone was, or was there folks that had information
20 that others didn't? Was everyone sort of seeing the same thing? I'm just trying to get
21 a sense of what people had.

22 A Yeah. My sense was everyone was seeing the same thing. Everyone
23 understood that there was going to be a big permitted event on the Ellipse. And trying
24 to understand where individuals would be coming into the city to attend that event,
25 whether it was transit hubs, like Union Station, and other places.

1 Once they got there, you know, were we seeing information about
2 counterprotests in the area? Where were they going to be? Were those going to
3 occur in Lafayette Square? Were those going to occur more on the Mall or closer to the
4 Capitol? Where was this going to happen?

5 So that was the information that was being -- again, to my recollection -- being
6 discussed.

7 Q Understood.

8 Understanding that ultimately we had the riot, rioters that attacked the Capitol,
9 sort of with that as the backup for my next question, in the discussions about the
10 intelligence -- air quotes -- or threat landscape, was there ever any discussion about that,
11 about people moving towards or potentially targeting the Capitol itself, to your
12 recollection?

13 A My recollection is it was similar of there may be a large protest out in front
14 of the Capitol, wherever that might occur. The reflecting pool or whatever the pool is
15 out in front of the Capitol, that was kind of where everyone believed that would occur.

16 There were multiple conversations with Capitol Police. Do you have everything
17 you need? Do you have assets? Are you ready? And time and time again it came
18 back: We got what we need. We have what we need.

19 Q And because that segues nicely into my next question, was: Did everyone
20 have what they needed?

21 A They did. National Park Service, on a couple of instances, said, we need
22 additional assets. So I remember that one specifically. I'm not sure why I remember
23 that one.

24 Secret Service was pretty clear that they had what they needed to protect the
25 White House grounds, because that was always a concern.

1 National Park Service believed they had what they needed to protect Lafayette
2 Square up until where their jurisdiction stopped and Secret Service took over. So there
3 was discussions like that.

4 We at DHS were focused on supplementing FPS throughout the city on the
5 buildings they protected, as well as buildings such as the Ronald Reagan Building, which is
6 where CBP is housed, which is very close to the Mall, very close to the White House. We
7 have a couple other buildings. Making sure that we had enough assets there.

8 And then the -- Chris Tomney in Operations was also identifying -- we brought in a
9 few other additional assets. And identifying other staging points until we could get
10 assets in if we needed to in a quick basis.

11 Q Understood, sir.

12 From your perspective, did what you learned and sort of what the Department
13 dealt with during the summer of 2020, did that impact at all the Department's approach
14 to January 6th? And, if so, could you explain sort of how it might have affected either
15 how you viewed the situation, how the Department responded to the situation?

16 A I think the Operations cell -- and that's why I talked about it earlier -- I think
17 it positioned the Department very well to respond to any events in the District regardless
18 of January 6th or any other events.

19 The battle rhythm and all the different planning that went through, that started in
20 the early summer of 2020 that went throughout the summer, trying to understand -- you
21 know, using Coast Guard assets to transport CBP or ICE personnel.

22 I say that, and that takes 5 seconds to say, but that is extremely difficult to actually
23 do, and it takes hours and hours to coordinate that.

24 And they got into a rhythm of how they would do that throughout the summer of
25 2020, which they were exercising in December leading up to January 6th.

1 When we got -- we got the request -- I believe it was July 4th break -- July 4th
2 holiday, but it may not be the case -- where we needed -- we pulled in a number of assets
3 at the request of other law enforcement agencies here in the District, and we pulled in
4 CBP assets and others.

5 And so having that battle rhythm, having that mental sort of knowledge base, I
6 think they were well-positioned leading into December and January.

7 Like I said, we had pulled in a few additional assets into the District to help protect
8 DHS Federal assets, but we were -- I made sure that Chris Tomney was asking, because
9 not only were we doing executive-level calls, but then Chris was doing staff-level calls.

10 I made sure that our posture was we are leaning forward. If anyone needs
11 additional help, DHS has 60,000, 70,000 law enforcement officers. Not all of them are
12 trained to do what we need them to do, but a large part of them are. We'll lean forward
13 and we'll bring them in if we have to. So my direction to him was lean in on that.

14 Q Yes, sir.

15 You mentioned -- we talked about earlier that the Ops Center sort of kicked up to
16 the Cabinet level and there was sort of an interagency coordination.

17 Was there ever any other interagency coordination that you were involved in that
18 wasn't run by the Ops Center? And can you talk about that?

19 A I was not involved in it. Acting Deputy was involved in things of that as the
20 chief operating officer of the Department.

21 He got a little bit more tactical and would visit either -- the DOJ had a coordination
22 center that would coordinate a lot of this, that we had people there, they had people in
23 our Ops Center.

24 He would go over there. He would do DOD. He was much more granular on
25 that as far as spending time in different other facilities.

1

2 [11:08 a.m.]

3

BY [REDACTED]

4 Q Yes, sir. And was he reporting to you with some degree of regularity sort of
5 about what was going -- how were you being kept informed?

6 A Yeah. Yeah. So I would get updates from not only Tomney but also the
7 Acting Deputy on what he was hearing, what he was seeing. Again, a few counselors
8 that I had that were following this were also following talking with I&A each and every
9 day, were talking with CBP each and every day.

10 So there's a number of ways that I was getting information. I felt I was up to
11 speed on what was going on.

12 Q Yes, sir.

13 So let's move on to January 6th itself. Were you in D.C. or in the country at that
14 time?

15 A No.

16 Q Okay. Do you recall where you were?

17 A On the 6th, I was in Qatar.

18 Q Okay. Was that related to your duties as Acting Secretary?

19 A It was.

20 Q And how, if at all, did you come to learn from where you were in Qatar that
21 there was an issue at the Capitol?

22 A To my recollection, I believe I got either a phone call from -- a phone call or
23 an email from the watch center.

24 Q Okay. And just so I'm clear, is there a time difference, appreciable time
25 difference, between where you were and --

1 A Yeah.

2 Q And what was that, just for the record?

3 A I don't know. It's probably -- I think we were -- we were definitely ahead.

4 I would say somewhere between 8 and 10 hours ahead.

5 Q Okay. Okay. And you said the first communication you got was
6 from -- you think was from the ops center.

7 A Our ops center.

8 Q And what do you recall --

9 A Which is completely normal. They send out texts -- or, not texts. They
10 could've sent out a text; I didn't have my phone. [REDACTED]

11 [REDACTED] So they send out emails, and then they would call if something was
12 significant enough.

13 Q And do you recall what they told you when you got your first sort of --

14 A Yeah, that there was an incident at the Capitol and that, you know, sort of,
15 all hands are on deck. Those phone calls were very -- what's the best way to put it?

16 Q Crisp?

17 A Very tactical. It was fact, fact, fact. Do you have a question? Hang up.

18 You know, fact, fact, fact. It wasn't, let's pontificate on why this is occurring or anything.

19 Q Right.

20 A It was just, "There's an incident at the Capitol. There could be injuries." I
21 mean, this is, you know, early, early on. "We'll be back with more information." And
22 then I turned on the TV.

23 Q Okay. And did you sort of receive those regular updates throughout the
24 day on the 6th?

25 A Well, again, so -- I may not have the timeframe direct -- I believe the events

1 here in D.C. occurred 1, 2 o'clock, so that would've been around 9, 10 o'clock my time.

2 Q Uh-huh.

3 A So this is occurring overnight for us, or at least for me. So I didn't go to bed
4 that night. So I'm up throughout the night, getting updates from Tomney. You know,
5 I'm talking to the Acting Deputy until -- I think he went to bed at some point, maybe 2:00
6 or 3:00 a.m. I'm getting updates from any number of people.

7 Those updates start to tail off around 3:00 and 4:00 a.m., and then they pick back
8 up, you know, the next morning here in D.C.

9 Q Understood, sir.

10 A And other than your own team --

11 A Sorry, I also talked to the Secret Service Director.

12 Q Okay. Thank you, sir.

13 A And other than your own team -- and by "team" I mean sort of the DHS
14 collective --

15 A Sure.

16 Q -- reaching out to you -- were you receiving communication from anyone
17 else, like DOD, DOJ, the White House?

18 A I talked to Acting Secretary Miller I believe once my time that evening -- it
19 would've been daytime for him -- to understand, you know, what his posture was. But,
20 again, once you -- I should say, my experience is, once you are, you know, in the situation,
21 it's the training and it's the structures that you have put in place to respond to.

22 A So, again, when I talked to Chris Tomney at some point that evening my time, it
23 was: Lean forward, have all of our assets on ready, whatever they need. He had
24 indicated that he had already called Capitol Police, offered, you know, again, all the
25 resources that they need. He was told on multiple occasions they had everything that

1 they needed.

2 So there was a period of time where, before we did send folks up, we were trying
3 to -- as a law enforcement agency, you just don't send folks up unless they have been
4 requested. And then that causes other issues you don't want to deal with. So we
5 needed Capitol Police to invite us in, and we were standing by, standing by.

6 We eventually did, we eventually sent up Secret Service and other -- uniformed
7 Secret Service and others. But that was the posture.

8 Q Yes, sir.

9 And you mentioned --

10 A At least from my perspective, being in Qatar.

11 Q Yes, sir.

12 And you mentioned that one of the phone calls you got was from the Secret
13 Service --

14 A No, no. I placed the phone call.

15 Q Oh, I'm sorry. You called the Secret Service.

16 A Yes.

17 Q Okay. So what made you call the Secret Service? Like, what were your --

18 A Well, we have, you know -- I see visions of the Capitol, but, you know,
19 obviously the White House is always a target. So making sure that the White House
20 complex is safe and secure. Do they need any additional resources? They usually
21 don't. They're very protective of the White House.

22 And then, obviously, we had the Vice President, so -- and the response was,
23 "We're all good."

24 Q Okay. So it sounds like they had briefed you on then-Vice President Pence
25 and where he was and, sort of, what his status was?

1 A Eh. We're on an open line, so it wasn't, again, a full conversation.

2 Q Sure.

3 A It wasn't, here's where he's at in the Capitol.

4 Q Right.

5 A But it was, the Vice President is secure.

6 Q Is secure. Okay.

7 Did you have any discussions with the Secret Service about the Vice
8 President-elect at all and her -- there was some reporting that there was a bomb near the
9 DNC --

10 A Not at the time. I mean, obviously, I see that reporting after the fact, but
11 not during the initial hours of the 6th.

12 Q Okay. And understanding you're 8 to 10 hours ahead, around what time
13 does your day finally end?

14 A It didn't.

15 Q So you never went to bed?

16 A I never went to bed.

17 Q Moving on just briefly to after the 6th, before we take a break and then
18 segue over -- I think we're going to move to the election set of questions next -- what, if
19 anything, did do immediately following, sort of, January 6th? I know you never went to
20 sleep. After getting your coffee, take a shower --

21 A Well, so we didn't -- I mean, there was a discussion on whether we cancel
22 and pull down all our meetings. We only had a half-day of meetings and then we -- it
23 was the last day of a 3- or 4-day trip. And so it was a set of meetings the following
24 morning, which would've been the 7th my time; I think it was probably still the 6th here
25 in D.C.

1 We went back and forth on whether we pull all of this down and come back. But
2 for a lot of logistical reasons -- you can't get the airplane prepped, and you've got crew
3 you've got to deal with. So we had one meeting with the Emir, I believe, in Qatar that
4 morning. Had that meeting, got ready, and we came back.

5 Q Yes, sir.

6 And any other reporting from your team from back in D.C. post-January 6th?

7 And if so, do you recall what that was about?

8 A I don't. I mean, there was a constant stream of information coming in, you
9 know, that morning. So with me was my chief of staff as well as a few others. They
10 were not in the morning meetings. They were, you know, on phones and trying to
11 figure out what was going on on the, you know, 12-hour flight coming back. A constant
12 stream of information trying to understand, you know, what had gone on and what
13 potentially could occur again, types of information coming up.

14 Q Yes, sir.

15 ██████████ I think that's all the questions I have on this topic. So I'll first
16 pause and ask, does anyone else in the room have any questions on this topic before we
17 take a brief break and then segue over to the election set of questions?

18 ██████████ I do, but we can come at the end, because I want █████ to start.

19 ██████████ Okay. Well --

20 ██████████ go ahead.

21 ██████████ Okay.

22 ██████████ You can go ahead.

23 BY █████

24 Q So, just briefly, Mr. Wolf, I know you mentioned that there was an
25 expectation of a large protest on January 6th. Did you have any sense that there would

1 be a potential for violence that day, from the intel that you described?

2 A My assumption was, anytime that there was a large group like that, there
3 was going to be some type of violence.

4 You know, the violence that we had seen in the summer and the fall was
5 where -- the violence usually occurred where that counter-protest and that large group,
6 whichever side it was on, interacted. And, I mean, that's where we had seen arrests.
7 That's where we had seen, you know, particularly outside of D.C., but even inside D.C.,
8 that's where we had seen it.

9 And so that's -- at least, that's where my mind was, is, yes, there's going to a large
10 group, there is likely going to be some type of violence.

11 Q Was there, from what you saw in your discussions internally or with
12 interagency, this focus on the counter-protesters, as you mentioned?

13 A Again, you know, my perspective -- the best way to explain this is, DHS has
14 jurisdiction over certain things. That's where my authority was as Acting Secretary, and
15 that's where we focused a lot of our activities.

16 And so the conversations we were having were, how do we protect DHS assets,
17 DHS facilities? And then, how do we respond to other law enforcement agencies, such
18 as the National Park Police and others, if they need help and they need assistance? And
19 so that's where my time and focus was.

20 Just general violence that was going break out on a particular street in D.C., DHS
21 has no jurisdiction over that. We would not respond to that unless actively called for,
22 and we probably wouldn't respond to that either, because we're not quite trained like a
23 municipal police force is.

24 So, while I was listening to some of that conversation, that was not my primary
25 concern. I had other concerns, given our jurisdiction responsibility and -- right.

1 Q Understanding the responsibility over the facilities, but I'm wondering if
2 anything was relayed to you from DHS I&A, pushed up, about any specific threat in terms
3 of the probability of violence on that day.

4 A No, not -- nothing beyond the general potential for violence I've talked
5 about.

6 Q And was that from any particular groups or just --

7 A No.

8 Q -- generally?

9 A Just generally speaking.

10 Q Okay.

11 Now -- and this is a hindsight question, but we have heard a lot from different
12 government folks about counter-protesters. Why do you think that was a focus?

13 A I think it's because of the -- I mean, I don't want to speculate, so I'll just say,
14 my understanding would be that's what we saw in the summer and fall almost
15 exclusively. That's where we had a lot of the violent activity that we saw.

16 Now, I think the first part of your question was excluding facilities. From a DHS
17 standpoint, a lot of the violence was at our facilities. Whether it was in Portland --

18 Q Right.

19 A -- or whether it was in Oakland, it was, you know, towards DHS personnel
20 and facilities.

21 So I appreciate the question, but, you know, I'm going to answer, I'm always
22 thinking about DHS facilities and our responsibilities first and foremost, or I was. That
23 was my, you know -- but you always want to have situational awareness of where the
24 other violence could be.

25 I didn't see anything. I&A was not providing me anything that said it would be

1 anything different than, again, the counter-protests, the violence that we had seen play
2 out particularly in D.C. over the summer of 2020.

3 Q And it's fair to say that didn't actually play out, correct, on the 6th, in terms
4 of counter-protesters?

5 A Again, I wasn't here on the 6th. So, from TV coverage, it didn't look that
6 way, but, again, I wasn't in the country on January the 6th.

7 Q During any of your interagency calls, was there any discussion that you
8 remember about who would be the lead agency involved in coordinating for January 6th?

9 A My recollection, it was the Department of Defense.

10 Q I'm sorry, the Department of Defense?

11 A Yes.

12 Q Was the question posed by the Department of Defense, or is your
13 recollection the Department of Defense was the lead?

14 A I'm sorry, the question posed by who?

15 Q Was there a question posed by the Department of Defense of who would be
16 the lead Federal agency, or --

17 A Not to me, no.

18 Q So I just want to understand --

19 A Yeah.

20 Q -- your answer. So your answer is, you believe the Department of Defense
21 was the lead --

22 A Well, they were coordinating phone calls, they were setting agendas for
23 phone calls, and they were calling out different people, okay, what do you need, we've
24 got -- yeah. So they were quarterbacking the situation and the response, yes.

25 Q Who was quarterbacking during the summer?

1 A It would depend. Are you talking about in the District, or are you talking
2 elsewhere?

3 Q In the District.

4 A In the District? It would depend. AG Barr took a very public role in doing
5 a lot of that during the summer, to my recollection.

6 Q And did you have a point of contact during the summer at DOJ?

7 A Yes.

8 Q Was that AG Barr?

9 A From my level, yes, that was AG Barr. But, you know, we had folks
10 embedded in their watch center, and so it was happening not only at the Chris Tomney
11 level but also at the Deputy Director of FBI level with our Acting Deputy Secretary. So
12 there were multiple, multiple touchpoints, both DHS to DOJ and then DHS to DOD.

13 Q And for January 6th, who were those touchpoints?

14 A I think it's the same -- it was the same individuals inside the Department. I
15 don't have names for you at DOD, but they were from the staff level to, you know, the
16 Tomney level, to the Acting Deputy level. They were all interfacing with, I wouldn't say
17 their direct counterparts, but with the people that they believed they needed to be
18 interfacing with.

19 [REDACTED] I want to recognize that Representative Schiff has joined us as
20 well.

21 BY

22 Q And just to kind of close the loop on this, I want to be clear, was it your
23 observation that DOD had taken on this quarterbacking role for January 6th, or was it an
24 actual conversation that occurred. in terms of DOD being a lead?

25 A I was not part of any one conversation that talked about who's leading the

1 effort.

2 Q Okay.

3 A Again, that's not DHS's role. Not to say that there wasn't a conversation.

4 There would be no need for me to be in it. It became clear, both through my

5 conversations with Chris Tomney and the director of our ops, as well as when I got on

6 phone calls, who was leading the response.

7 Q And that was?

8 A That was DOD.

9 Q I understand.

10 DHS does get involved when it's an NSSE, correct?

11 A It does, yep, like the inauguration.

12 Q And the Secret Service is the lead for that?

13 A Yes.

14 Q Just one final thing about the summer. You talked about the criticism that

15 I&A received for some of the tactics that were used. Are you aware of any impact that

16 had on the morale for the analysts in I&A as they prepared for January 6th?

17 A I would say, the first part of your question, are you referring to Portland --

18 Q Yes.

19 A -- or are you referring to something else?

20 Q Portland.

21 A Okay. Yes. Through what I talked about, the investigation that OGC led, it

22 became clear to me that I heard, again, secondhand -- I did not talk to any specific I&A

23 analyst at the time -- it became clear that there was a huge morale issue.

24 And the morale issue resulted directly from the individual that was in charge at

25 the time suppressing views, not letting people talk up -- leadership issues. So, yes, there

1 was a morale issue during the course of that time period.

2 Q Do you know or was it relayed to you that it created a type of chilling effect
3 on the analysts as they were monitoring open sources for January 6th?

4 A No, not as it related to January 6th.

5 Now, again, you go back to when the incident occurred in Portland and we
6 reassigned that individual -- I believe that was in -- I don't know when that was. I think it
7 was July. June? June or July.

8 Q Uh-huh.

9 A That's the time period where I knew morale was bad, because I was hearing
10 it because we were starting to peel back the onion a little bit about what occurred there
11 because of the lack of leadership. So I started hearing about the morale.

12 Again, we put a career official in there, and he would tell me part of what he was
13 doing was talking to analysts, trying to improve that morale, which does not happen
14 overnight. So, during the course of the late summer and fall, [REDACTED] was hard at
15 work on improving that morale.

16 Q So you're not aware if it created a chilling effect. Would it surprise you if
17 analysts stated that it did create an impact on them --

18 A Yes.

19 Q -- and from --

20 A Oh, sorry.

21 Mr. Block. I would just say, just make sure you're answering to what you know --

22 Mr. Wolf. Okay. Sure.

23 Mr. Block. -- and not speculate about whether --

24 Mr. Wolf. So, yes, I can't speculate on what -- again, as I said, I did not talk to
25 any individual I&A analysts, so I don't know what they were, you know, thinking or not

1 thinking.

2 [REDACTED] Okay.

3 I'll turn it over.

4 BY [REDACTED]

5 Q I have one followup question based on something that my colleague asked.

6 Just going back to the DHS ops center, sir, were there any outside entities embedded in
7 your ops center, like from DOD or DOJ?

8 A Yeah, they probably, I would say -- again, speculating -- I don't want to
9 speculate. So I don't know the exact answer. My recollection, having toured the NOC
10 numerous times and the watch floor numerous times, [REDACTED]

11 [REDACTED]

12 Q Thank you, sir. I appreciate that.

13 [REDACTED]

14 [REDACTED] is leaning in.

15 [REDACTED] Yeah. Hey, [REDACTED] It's [REDACTED]. Can I just jump
16 in quickly to follow up on one of, [REDACTED] your questions?

17 [REDACTED] Sure.

18 BY [REDACTED]

19 Q So, Secretary Wolf, I just wanted to go back quickly to this issue of the lead
20 Federal agency. I appreciate your testimony that your perception was that it was DOD
21 that was calling meetings and quarterbacking.

22 I just wanted to get your sense as to what should happen, right, what's the ideal
23 approach, separate from the NSSE events. When it is an NSSE, is the designation of a
24 lead Federal agency sort of priority number one?

25 Just talk a little bit about, sort of, what's the ideal in terms of interagency

1 coordination when there's an event that has the potential for violence but stops short of
2 an NSSE.

3 A So, from my perspective, it was always good to have someone in charge.

4 Now, having someone in charge, you have different jurisdictions, and so that's what,
5 obviously, we were dealing with. And usually that decision point on who's in charge
6 happens early on.

7 And, again, from my perspective, leading up to January 6th, you know, in
8 conversations with Director Tomney and others, it was clear that DOD was taking charge
9 for, you know, what was leading up to and then eventually became the events of January
10 6th.

11 So I think that's probably how I would answer that. Again, it's always good to
12 have someone that's in charge, that is a, quote/unquote, "quarterback," especially when
13 you're pulling in different assets and there's just different jurisdictions that are occurring
14 to support one event.

15 Q And, in your experience, is the agency that ultimately is in charge a reflection
16 of the nature of the event or location of the event or particular assets that are needed to
17 respond to the event?

18 A I would say "yes" to all of those. I think there's any number of decision
19 points that would designate someone taking a lead and others not. So, yes, I would
20 agree with all of that.

21 Q Okay. And then on this one in particular, DOD was the quarterback
22 because of the presence of the National Guard or the need for military/DOD assets?

23 Again, maybe I'm asking you to speculate, but I'm just looking for your perception
24 as to why that agency was the one that stepped forward in that role.

25 Mr. Block. I would say, again, just based on what you know.

1 Mr. Wolf. Yeah.

2 Again, that was my assumption, is because they had jurisdiction over certain
3 assets inside D.C., particularly the National Guard, and they have other unique authorities
4 when it comes to the District of Columbia.

5 Again, DHS is a contributing or a supporting role here when it comes to actual
6 physical assets inside the District. Obviously, again, we're protecting DHS assets, and
7 then we're answering the call for additional help as well.

8 So having DOJ, having DOD, having someone take the lead, we're happy to
9 support, which is what we did on multiple occasions, specifically as it relates to the
10 District.

11 BY [REDACTED]

12 Q Did the designation of DOD -- or your perception of DOD as lead agency, did
13 you ever see that written down or confirmed in any document, planning document or
14 otherwise? Or is that more your, sort of, anecdotal impression based on how things
15 evolved?

16 A I don't recall a written document for that or any other, you know, response
17 that we undertook throughout the summer of 2020.

18 Q We're not talking about -- I'm sorry. I'm talking about the Capitol in
19 particular.

20 A Right. My response was, I didn't see any written documentation leading up
21 to January 6th nor --

22 Q I see.

23 A -- similar events that occurred throughout the country, I didn't see any
24 written documentation of putting, you know, one entity in charge.

25 Q Either time. Okay.

1 Well, we're going to get to, at the end, about some thoughts you might have
2 about prospective changes or recommendations, and this issue of interagency
3 coordination and a clear chain of command comes up a lot. So I don't want to jump
4 ahead, sort of, to the end game, but we'll be curious to get your thoughts on anything you
5 think we ought to do in terms of recommendations or policy that would help facilitate
6 this going forward.

7 A Copy.

8 [REDACTED] Thanks, [REDACTED] I appreciate it.

9 [REDACTED] Yes, sir.

10 Before we move on to next --

11 Mrs. Murphy. [REDACTED] this is Rep. Murphy. Can I ask a question?

12 [REDACTED] Yes, ma'am.

13 Mrs. Murphy. Sir, just to dig down a little bit on why you thought DOD was
14 coordinating for January 6th, if there were meetings to prepare for it, did DOD send out
15 those meeting requests? Did they hold -- or were they the -- could you maybe give me
16 an example of why you have the impression they were the quarterback for January 6th?

17 Mr. Wolf. Yes. On numerous instances from our ops coordination entities,
18 they specifically were referencing "DOD has lead on this." So I was being told internally
19 from my own people DOD has the lead.

20 But then, obviously, when calls are scheduled, someone's got to schedule a call, so
21 it was being scheduled by DOD. DOD was setting the agenda. DOD was running the
22 phone call. DOD, you know, the one that I was on with Acting Secretary Miller, was the
23 quarterback on those calls, going around to the different entities and asking them.

24 So, in my mind, not only on the call was it clear who was leading that, but, again,
25 I'm being told by people that are coordinating at a much more granular level than I was

1 that DOD was leading.

2 Mrs. Murphy. Okay. And you mean not just on the day of January 6th, but in
3 the run-up and the preparation for January 6th you felt that DOD was in the lead?

4 Mr. Wolf. That's correct.

5 Mrs. Murphy. Okay.

6 When it comes to, say, January 20th, the inauguration, an event like that,
7 who's -- I think you may have said this, but who was in the lead? And let's say for the
8 inauguration after January 6th, which agency was in the lead for that?

9 Mr. Wolf. That would be DHS, as an NSSE event.

10 Mrs. Murphy. So did it seem odd to you that for January 6th, which is an event
11 not too dissimilar from January 20th or, say, even the State of the Union, that DOD was
12 the lead agency, when usually your agency is the lead agency?

13 Mr. Wolf. To my knowledge, January 6th had never, at least in the history of
14 DHS, had ever been designated as an NSSE. So, no, it did not seem odd that -- and,
15 usually, planning for an NSSE, such as an inauguration, such as a Super Bowl, is usually
16 somewhere between 12 and 18 months in the making leading up to that NSSE.
17 Obviously, a designation like that usually provides some additional reimbursement
18 resources to local and State.

19 But, from my perspective, you know, the coordination continues to be there
20 whether it's an NSSE or whether it's a lower event or not designated at all. I think the
21 key there is making sure that the law enforcement agencies there are coordinating and
22 you understand who is doing what.

23 Mrs. Murphy. Okay.

24 And I guess the final question I have for you on this is just that, you know,
25 DOD can -- so DOD's forces, like, the assets from DOD, which would be the National

1 Guard, was the reason why you thought they took the lead. Yet they weren't the lead
2 assets that were deployed at the beginning of January 6th. Is that correct?

3 Mr. Wolf. I'm not sure I understand that question entirely.

4 Mrs. Murphy. So I thought I heard you say that maybe one of the reasons -- or
5 conjecture that one of the reasons why DOD would be the lead on this is because they
6 control the National Guard and the National Guard was used on January 6th.

7 My question to you, though, is that, the National Guard was not deployed initially
8 on January 6th. And so do you find that to be inconsistent with the rationale for why
9 DOD would be the lead agency, when they weren't the lead asset for January 6th until
10 things went kind of awry?

11 Mr. Wolf. Again, I wouldn't want to speculate on what DOD thought process is.

12 From my perspective, I know National Guard was offered numerous times, DHS
13 assets were offered numerous times, whether it was to the Capitol Police or elsewhere.
14 So, from my perspective, because they had the National Guard, because they were ready
15 to deploy, that's why they were leading the response.

16 Again, going back to my responsibilities at the time, DHS was there to support as
17 needed and had assets there to support, which we ultimately did.

18 Mrs. Murphy. Great. Thank you.

19 I yield back.

20 [REDACTED] Thank you, ma'am.

21 Any other questions before [REDACTED] takes over?

22 All right, [REDACTED] Over to you, sir.

23 Mr. Block. Before we transition, could we take 5 maybe?

24 [REDACTED] Sure.

25 [REDACTED] we're going to take 5 minutes and then come back to you, if that's okay.

1 [REDACTED] Great.

2 [REDACTED] Thank you, sir.

3 [Recess.]

4 [REDACTED] All right. So we're back on the record.

5 [REDACTED] whenever you're ready, sir.

6 [REDACTED] Okay.

7 Good morning, Mr. Wolf.

8 Mr. Wolf. Morning.

9 [REDACTED] So I didn't introduce myself earlier. I'm [REDACTED] I'm a senior
10 investigative counsel with the select committee. And I want to talk with you a little bit
11 about some election security issues.

12 Mr. Wolf. Okay.

13 BY [REDACTED]

14 Q So could you just describe generally your understanding of what the role of
15 DHS and CISA is with respect to election security?

16 A Sure. It's making sure that -- some primary responsibilities include making
17 sure that the election infrastructure is safe and secure, particularly as it relates to cyber
18 attacks or cyber hacks. So the cybersecurity around those election systems, working
19 with secretaries of State and other officials that run both State and local elections as well
20 as national elections.

21 And foreign influence as it relates to elections, as well, is a primary responsibility
22 that CISA has -- or, I should say, had. I know some terminology has been changed
23 recently, so whether they are still focusing on foreign influence or whether they've
24 changed that, that's how it was when I was there.

25 Q Yeah. So just focusing on the timeframe when you were Acting Secretary,

1 you understood one of the roles of CISA to be to try to detect, prevent, harden -- prevent
2 or detect bio intrusion?

3 A Correct.

4 Q And arming the infrastructure to accomplish that. Is that fair?

5 A Are you talking about election infrastructure, or are you just talking about
6 general --

7 Q Yeah.

8 A -- infrastructure?

9 Q Well, general for the agency -- well, general, I assume, for the agency,
10 includes infrastructure more than just election security.

11 A It does. It does. So the answer is "yes" to both of those though.

12 Q And the election framework, was it an objective to detect and protect
13 against cyber intrusions from domestic sources as well as foreign?

14 A I think it was all sources. I think it was any cyber intrusions into election
15 infrastructure, sort of, period.

16 Q With respect to influence, what did you mean when you referenced foreign
17 influence and keeping an eye on that?

18 A Yeah. So, at the time, again, as I was Acting Secretary, I believe CISA ran a
19 Countering Foreign Influence Task Force. I may not have that name exactly right, but
20 that was generally it. And they focused on foreign influence into elections. So these
21 are foreign not only nation-states but also just foreign actors that were perhaps trying to
22 influence election activities, you know, on various sides, whether trying to influence the
23 way that people voted or trying to convince people their vote doesn't count. So just any
24 type of foreign influence coming, you know, outside of the country.

25 Q And was that a concern that came up after the 2016 election? I realize you

1 weren't with the Department at the time, but do you understand that that animated
2 some of that focus?

3 A You're right, I was not, and I did not get to the, sort of, general part of the
4 Department until the summer of '17. By that time, there were a number of initiatives
5 underway inside CISA that we continued to execute on. So how and why certain task
6 force or certain -- that was before my time, so I wouldn't speculate on that.

7 Q Did CISA, as a standalone entity, understanding it's within the Department of
8 Homeland Security, did it exist before you arrived at the Department?

9 A No. It was part of NPPD at the time, which -- I can't recall what that stood
10 for, National Programs and Plans Directorate maybe. The legislation was passed by
11 Congress, I believe in 2018 perhaps, to pull out CISA or to designate CISA as an
12 operational component of the Department.

13 Q And, in that context, in the 2018 timeframe, did you understand that part of
14 the role of CISA was to combat a disinformation and misinformation campaign that might
15 throw distrust into our election systems?

16 A Yes. And their exclusive attention at that time was foreign influence
17 campaigns.

18 Q And did that change at any point to include domestic misinformation
19 campaigns?

20 A Not from my perspective and not what CISA briefed me on leading up to the
21 2020 election.

22 Q You've talked about working with the States' election administrators. Was
23 that a critical component of CISA's role?

24 A I think it was one of their roles. I'm not sure that I would classify it as
25 critical, but, yes, obviously, when you're dealing with folks that are running the elections,

1 making sure that you interface with them is certainly one of their responsibilities.

2 Q What's your understanding of the role that CISA played with respect to State
3 and local election officials?

4 A So they had, obviously, a close relationship with a lot of them. They ran an
5 information coordination cell in ISAC along with many of them.

6 And so they're coordinating the -- you know, a lot of what CISA does, whether it's
7 election security or it's just infrastructure security, a lot of the threats, a lot of the
8 incidents, you know, will come from the private sector, will come from the States first,
9 before CISA is made aware of -- or, I should say, CISA is made aware of incidents from the
10 private sector, and in this case election security, from the States. So they have to have a
11 close relationship.

12 Q Was there also some expertise that was brought to bear that CISA was able
13 to share with State officials, in terms of best practices for example?

14 A Absolutely. If you are referring to cybersecurity best practices as it relates
15 to election infrastructure, that's the expertise that CISA would certainly provide.

16 Q What about other non-cyber-related expertise and risk-management-type
17 issues?

18 A Not that I'm aware of, other than just general best practices. That
19 was -- you know, in numerous briefings from CISA, you know, even before Acting
20 Secretary as I sat in some of those, but then certainly as Acting Secretary, it almost
21 exclusively revolved around foreign influence campaigns and then the security or, I should
22 say, the cybersecurity of the election infrastructure -- you know, voting machines,
23 voting rolls, you know, all of the election infrastructure.

24 Q Are you familiar with the issues regarding rumor control that were
25 entertained by CISA?

1 A As I sit here today, yes, I recall some initiatives. How far back they go, I
2 could not tell you. I don't recall hearing about them in 2018 or 2019.

3 Q Leading up to the 2020 election, what was your understanding of the
4 function of rumor control as it relates to CISA's role in that?

5 A Again, I got numerous briefings from CISA regarding their election leading up
6 to election day; they never brought up or highlighted rumor control.

7 Q I noted, on election day, you gave a brief press conference I think early in the
8 morning with Director Krebs. Do you remember that?

9 A That -- I don't recall exactly the press conference, but that sounds right.
10 Again, I don't have my calendar in front of me, but that sounds like something that we
11 would have done on either the day before the election or on the day of the election.

12 Q Is there, like, a command center for election day?

13 A Correct. That was at CISA headquarters. There's both an unclassified and
14 classified command center, or there was at that time.

15 Q And do you remember addressing the media early on election day from that
16 command center?

17 A I remember addressing the media on elections. I don't remember it being
18 on election day, but I don't have any reason to believe it wasn't. I do remember giving a
19 press conference with Director Krebs, talking to the media about CISA's election security,
20 you know, coordination.

21 Q The reason I bring that one up -- and I don't have a screenshot available for
22 you. But in the background behind the podium, there's sort of a blue background, and
23 throughout the background there's reference to "cisa.gov/rumorcontrol." And it's sort
24 of the -- I don't know what you'd call it, but -- so that piece of it is peppered throughout
25 the background of that space.

1 Do you remember that?

2 A No, I don't remember the background behind the podium.

3 Q That's asking a lot of you. Just seeing that it was maybe a focus of CISA on
4 that day, given that it's their background for the press conference, I thought that might've
5 jogged a memory for you. No?

6 A No.

7 Q Do you remember in the weeks or months leading up to the election any
8 concerns being raised by the White House regarding the rumor control program that CISA
9 was undertaking?

10 A No.

11 Q Do you remember any concerns about mail-in voting and the information
12 that CISA was putting out on its rumor control website regarding mail-in voting?

13 A Leading up to the election?

14 Q Yes.

15 A I don't recall any concerns being expressed to me, no.

16 Q Do you remember a dispute bubbling up to you, that someone from the
17 White House Liaison's Office had asked that something from the rumor control website
18 be taken down?

19 A No, I don't recall -- sorry, from the White -- from which office? The White
20 House Liaison?

21 Q Yes.

22 A No, I don't recall that bubbling up to my attention. I'm trying to think back
23 through all the White House Liaison issues I had at the time, but that doesn't -- that
24 wasn't one.

25 Q Okay. I'll represent to you that witnesses have said that there was a

1 concern raised in particular about the mail-in voting information that was on the rumor
2 control website and that was taken down or moved to a different spot.

3 A Again, I don't know if that office or that individual expressed concerns
4 elsewhere to the Department. I can't recall it ever being expressed to me, nor did
5 I -- obviously, I didn't take any action, because I didn't get involved in that. So I don't
6 know -- if that is accurate, I don't know where those discussions took place within the
7 Department.

8 Q Fair enough.

9 Generally speaking, did you feel that it was the role of DHS or CISA to try to tamp
10 down misinformation or disinformation leading up to the election in 2020?

11 A As it related to foreign influence, yes. That, again -- I relied on -- the
12 Department's a big department, so I got a lot of my information on what CISA's activities
13 were, what their focus was, what their priority was from briefings from CISA officials, to
14 include Director Krebs, but, you know, Brandon Wales, a variety of other folks. And
15 almost exclusively it was focused on, when we talked about misinformation, it was talking
16 about the activities that they were taking regarding foreign influence into our elections.

17 Q And what was your concern about foreign misinformation? Not what
18 would it be, but why was that of concern?

19 A Well, I think the -- I'm not sure I understand the question, but I would say
20 the focus was because of some of the intelligence that we were seeing at the time.
21 That's why CISA was focused on the foreign influence piece, making sure that, you know,
22 foreign entities, foreign actors were not trying to influence the U.S. election and that we
23 had Americans believing in their vote.

24 So that's what they were focused on. That's what they numerously, you know,
25 briefed me on, on numerous occasions.

1 Q You did some media leading up to the 2020 elections which I'll characterize
2 as efforts to sort of allay concern in the general public about the security of the election.
3 Is that a fair characterization of some of your messaging?

4 A I don't recall every speech or press conference or public-facing, you know,
5 messaging I had, but it was usually to reiterate CISA's points, their activities, and what
6 they were doing to help protect the election.

7 Q In particular, you had a sit-down interview with Catherine Herridge of CBS
8 News, and you talked about telling people to be patient, for example, on election night.
9 Do you remember that messaging?

10 A I do.

11 Q Why was that part of the messaging?

12 A Because what I became aware of from CISA briefing me is, sometimes
13 election results take time. You know, in many instances they can happen pretty rapidly
14 and you see those results, but there could be other instances where they take time and
15 they may not come in at a 7 o'clock or an 8:00 p.m. hour; it could take a little time to
16 count.

17 I was also told by CISA that there is any number of things that could occur on
18 election day that are not necessarily nefarious but that just happen to break down.
19 Systems go down, networks go down that could possibly delay the counting, you know,
20 for a few hours or the like.

21 So that was the message that was relayed to me. It made sense to me. I
22 understood that. And I think that was -- you know, again, I'm speculating here a little bit
23 because I don't recall the exact interview, but I think that was the message I was talking
24 to her about.

25 Q You also talked about, and I think maybe more than once -- I think at least

1 a press conference that I alluded to earlier and this interview and maybe other
2 places -- about telling people to be careful of where they're getting their information,
3 particularly on social media.

4 Do you remember that messaging?

5 A I do.

6 Q What was the point of having that be part of your pre-election messaging?

7 A Again, it goes back to the foreign influence piece that CISA was very focused
8 on, briefing me on. And the idea there was, get your news from trusted officials.
9 Don't believe, you know, Facebook groups that had maybe popped up in the last week
10 that you don't know who they are, that you see information out there that doesn't seem
11 to be a trusted source. You know, get your news from trusted individuals, local election
12 officials, national officials, whoever it may be, instead of a random Facebook group that
13 you don't know and that you don't know any members of and you don't know who they
14 are.

15 Q And why do you think that was important, to get that message out?

16 A Because, again, CISA -- again, I'm not going to go into the intelligence that
17 we were seeing at the time, but we were seeing some that gave us concern.

18 Q But, again -- and I don't want to get into the specific intel either, but why
19 was it important, from your perspective, from a Homeland Security perspective, to have
20 the public be careful? What did you think would happen if they weren't careful, I guess
21 is another way to put it.

22 A Well, again, I think what we were trying to guard against was foreign
23 influence in U.S. elections, and making sure that people were not getting, again, false
24 information from outside, foreign entities, based off of some intelligence that we were
25 seeing. It wasn't that we were just saying things to say things because we thought they

1 were nice to say. It was based off intelligence and other information that we were
2 seeing at the time.

3 Q But were you concerned that that information that you were seeing at the
4 time or information like it would somehow cause confusion among the electorate?

5 A Well, sure. Sure. Again, I don't want to talk in hypotheticals, but, yes, if
6 there's a Facebook group out there that says, you know, all the voting machines don't
7 work, stay home, that's probably problematic. I think you would probably agree with
8 that.

9 So we were looking at ways of trying to combat foreign influence from different
10 elements in the lead-up to the election.

11 Q I want to take you -- let me ask you about the election. What was your
12 recollection of election day? Did things go smoothly, from a DHS or CISA perspective?

13 A You mean overall? Yes. You know, I got constant updates throughout the
14 day on, things seem to be, you know, progressing; oh, we have a hiccup here; there
15 seems to be a hiccup there. It usually turned out to be nothing more than, as I
16 indicated, server went down, sort of the normal, I would say, IT issues that you would
17 probably experience.

18 So, throughout the course of the day, I would say, overall, yeah, you know, it went
19 relatively smooth, from a CISA standpoint, as it related to the cybersecurity of election
20 infrastructure. They also were reporting to me at the time that they did not see any
21 huge campaigns of that foreign influence that we were seeing previously.

22 Q I think the CISA Director was quoted at the time as saying, "Just another
23 Tuesday."

24 A I'm not sure I would quite agree with that, but I think I recall him saying that
25 as well.

1 Q Okay.

2 And do you have real-time information -- and, again, if this is classified, of course
3 we don't need to get into details. But did you have real-time information about
4 whether there had been a cyber intrusion, for example, foreign cyber intrusion?

5 A We would have had real-time intel, yes.

6 Q And so, by the close of the polls, for the next day or two, were you confident
7 that there had not been such an intrusion?

8 A Nothing had been reported to me by CISA.

9 Q Let me move ahead a week or two and ask you about an issue that I believe
10 came up within CISA in the weeks after the election regarding a new order of succession
11 in the event that the Director left.

12 Were you aware that such an order had been issued?

13 A No. What timeframe is this?

14 Q Mid-November.

15 A No, I don't recall an order of succession issue. Like, without anything in
16 front of me, I don't recall that in mid-November.

17 Q Do you remember any discussion of the fact that, if the Director were to
18 leave or be fired, that Matthew Travis would take over and that that was an acceptable
19 person to be running CISA?

20 [Discussion off the record.]

21 Mr. Wolf. So, I guess, could you clarify who -- when you say conversations, with
22 who are you referring to?

23 BY [REDACTED]

24 Q I'm just wondering whether you were aware of a concern being raised by
25 anyone --

1 A I see.

2 Q -- about Mr. Travis taking over and that not being, sort of, an appropriate
3 outcome, if the Director were to leave or be terminated.

4 A No, there was no expressed concern to me about Travis should Director
5 Krebs leave. I think that's the question, though clarify it if it's not.

6 Q Well, that's generally the question.

7 A Okay.

8 Q My understanding is there was a change made to the order of succession
9 and it was motivated by a concern about Travis not being a suitable Director.

10 A So I do recall that there was a change in the order of succession. Again,
11 that's why I asked the date. Again, I don't have any of that in front of me, so I couldn't
12 tell you.

13 I believe the order of succession was changed, but it wasn't, you know -- it wasn't
14 weeks before Director Krebs left, I think is how you phrased it, or at least that's how I'm
15 interpreting the question. I don't recall that chain of events, but, again, I don't have all
16 of that documentation in front of me.

17 But I don't disagree. There was a change in the order of succession.

18 Q Do you remember what motivated that?

19 A What motivated the order of succession change or --

20 Q Yes.

21 A What motivated what? Sorry.

22 Q The change, yes.

23 A It was Director Krebs leaving. And the thought process was, Matt Travis
24 would likely leave as well, given that Director Krebs recruited him and hired him. And so
25 there was an issue there, so that we had to be -- we had to, you know, make sure that we

1 were prepared for that.

2 Q Got it.

3 Okay. I'm going to talk about Director Krebs and him leaving in a moment, but,
4 chronologically, I want to talk about something that occurred a few days, maybe, before
5 that.

6 If you take a look at -- do you have a binder in front of you there?

7 A I do.

8 Q If you could take a look at exhibit 9.

9 A Yep.

10 Q And just to make sure that -- I'm working off electronic copies -- we're
11 talking about the same document, does this start with an email from AS to Molly
12 Michael?

13 A From AF? Oh, AS. Yes.

14 Q And is that you, AS, Assistant Secretary?

15 A No, that's --

16 Q I'm sorry --

17 A I can't -- it's either got a "1" or a "2" behind it. So it's either AS1 or AS2 is
18 usually those email signatures.

19 Q Great. And I'll represent to you that -- and I covered this with -- Mr. Luce
20 should be able to back me up on this, that the unredacted version shows "AS1." And I
21 don't have an unredacted version, but I've been told that's "AS1."

22 A It looks like it is, because the email below is "AS1." But that specific one, it
23 is blacked out, but I assume it is as well.

24 Q Okay.

25 So I'm going to turn your attention to the bottom of this email chain. And it

1 looks like there's an email from you on November 12th to Ms. Michael. I assume that's
2 who "Molly" is.

3 "Just off the phone with the President and he requested I get a letter from you
4 sent to him from two State Senators from Michigan. Does this ring a bell?"

5 And my question to you is, does this ring a bell?

1

2 [12:06 p.m.]

3 Mr. Wolf. The email exchange rings a bell, yes, because, obviously, I've looked at
4 documentation over the course of when it was provided.

5 BY [REDACTED]

6 Q And tell me what you recall about the conversation with the President that
7 precipitated this email.

8 A I don't recall a lot of it. I recall him asking if I had seen a letter from
9 senators from the State of Michigan. I told him I had not. And he said, "I'll have
10 someone send it over to you." That's what I recall from the conversation.

11 I don't believe I received that letter. So that was me reaching back out asking if
12 someone had a copy of the letter.

13 Q When in relation to this 10:13 p.m. email do you believe you had the
14 conversation?

15 A I don't recall.

16 Q Would it have been earlier that day?

17 A It would have been.

18 Q Do you feel like you have a recollection that you waited a day or two and
19 didn't see anything?

20 A I don't have a recollection of whether it was that day or if it was the previous
21 day.

22 Q Actually, it says there, "Just off the phone with the President." I just
23 noticed that. So --

24 A It could be that day. Again, I don't have a recollection of exactly the
25 timeframe on -- if I waited 5 minutes, 5 hours, or 24 hours. I don't have a recollection of

1 that.

2 Q Fair enough.

3 Do you remember whether the President called you just on this issue, or were you
4 talking with him or meeting with him on something else?

5 A Again, don't have a recollection of that. My conversations with the
6 President were very specific on things, so my guess is it would just be on this issue.

7 Q So you have a call. He mentioned the letter. At some point either shortly
8 thereafter or at some point after you reach out to Ms. Michael and see if she can get you
9 a copy of that letter. Is that what's happening here?

10 A Correct. He asked if I was aware of the letter and aware of the contents of
11 the letter, and I told him I had not seen the letter. So that -- and so I was trying to get a
12 copy of the letter.

13 Q Okay. And then she sends it to you and you say "received" in the top.
14 She sends it the next morning, and you note that you received it at 10 o'clock or 10:05 on
15 Friday morning, correct?

16 A Yes. That's what the email, correct, says, yes.

17 Q And if you take a look at exhibit 44. I believe that this is the email that
18 accompanied -- I'm sorry, the letter that accompanied that email.

19 A Okay.

20 Q And I apologize for the -- it's slightly blurry. That's the form we got it in.

21 A Yes.

22 Q Does this look like the letter that Ms. Michael forwarded to you?

23 A Again, I can't recall the exact language -- or letter. But I recall it being from
24 Antrim County. So yes, this appears to be it, but I don't recall the exact letter.

25 Q The letter's dated November 13th, and it appears that the President talked

1 to you about it on the 12th.

2 Does that -- do you have an understanding about how that was -- that came to be
3 or that was the case?

4 A How he came to talk to me about it or -- sorry, what's the question?

5 Q So the President, based on what you said moments ago, the President is
6 talking to you about a letter from State senators from Michigan, and he's talking to you
7 about that on the 12th of November, as reflected in the email, maybe even the 11th.
8 You said it could have been the day before that email.

9 A Okay.

10 Q And the letter then comes and it's dated November 13th.

11 So did the President say he was anticipating a letter coming in or that he already
12 had a copy of a letter or he'd seen a letter? Do you remember that?

13 A I have no recollection of that wording, of whether he had seen it or it was
14 coming in. I forget which exhibit we were at. Nine?

15 Q Yes.

16 A I would have to rely on what I -- what I would have said in that email is all I
17 remember. It was just, have you seen the letter? And I think that's how I articulated it
18 back to Molly.

19 Q Great. Okay.

20 Do you remember what you did after you got the letter?

21 A I sent it to CISA.

22 Q Anybody in particular, do you remember?

23 Actually, take a look at exhibit 45. Rather than sort of give you a memory quiz
24 here, I think this might help.

25 If you scroll down to the bottom. It looks like the first email in this chain is on

1 Friday the 13th, just within 10 minutes of you noting that you had received the letter, and
2 you're emailing Chris Krebs --

3 A Right.

4 Q -- Matthew Travis and Brandon Wales.

5 Is that those folks at CISA that you were just referring to?

6 A Yes. Those would have been the individuals that I would have sent any
7 correspondence or directed any questions to.

8 Q And do you remember having any discussion with them in addition to
9 forwarding them the letter?

10 A No.

11 Q And we can see in the next email up in the chain is Mr. Krebs' response to
12 you almost immediately, and says that he's received -- or he's noting that he received the
13 letter you sent.

14 A Right.

15 Q And that his team is aware of many of the claims and have discussed with
16 Michigan over the last week.

17 Do you see that?

18 A I do see it, yes.

19 Q Any discussion with him after that?

20 A Not to my recollection, not anything further than this email.

21 Q Do you remember if you reported back to the President after receiving this
22 email from Mr. Krebs on Friday morning?

23 A I did not.

24 Q Did you have any further discussions with anyone at CISA on this topic on
25 Friday after you received Mr. Krebs' email?

1 A I don't -- I don't recall. I would just -- I would point to "will circle back with
2 a more fulsome response." Usually when I saw that, I would wait for them to circle back
3 with a more fulsome response.

4 Q Got it.

5 And then we'll go further up on the exhibit. So it's the top of the exhibit, the
6 third email in the chain here. There's a Monday morning -- I'm sorry, Monday afternoon
7 email from Mr. Krebs, and he starts by saying, "This got stuck in my outbox."

8 So not clear when he intended to send it, but it looks like he did send it or it got
9 through at 3 o'clock on Monday.

10 Do you see that?

11 A I do see it.

12 Q Do you remember reviewing this document when you got it?

13 A I remember receiving the document, yes.

14 Q And did you --

15 A Or sorry, the email. I remember seeing the email.

16 Q Fair enough.

17 Do you remember reviewing or did you review any of the material that Mr. Krebs
18 references in this email?

19 A I don't recall clicking on every link that Director Krebs provided, if that's the
20 question.

21 Q Any of them? Did you click on any of them?

22 A I don't recall what I clicked on, how long I looked at the email. Again, I
23 don't recall that specifically.

24 Q Just to see if it jogs your memory, I'll ask you to take a look at exhibits 7a and
25 7b, which I will represent to you are printouts of what was included in at least two of

1 those links. And I think one of the links is cited for several of the -- on several of the
2 topics.

3 A Yep.

4 Q And these are the documents that you find.

5 Do you remember -- if you just look, for example, at 7a, this sort of fact sheet on
6 Antrim County. Do you remember reviewing that?

7 A I don't remember this specific fact sheet on Antrim -- on Antrim County.

8 But, again, that's not to say I didn't look at it, but I don't recall it.

9 Q Do you recall being satisfied with the response you got from Director Krebs
10 regarding the Michigan allegations that were raised in that State senator letter?

11 A Yeah. My -- you know, sort of how I operated was I sent the letter -- if
12 there was a report -- I think it was just a letter.

13 If there was any question about anything regarding the security of election
14 infrastructure, I sent that down to CISA so that the experts at CISA could take a look at it
15 and provide an opinion, provide their analysis of the information presented.

16 I never -- I'm not an election security expert, so I'm not going to second-guess
17 what they did. And so I provided the information to Chris. He got back to me. And I
18 believe that occurred a couple more times on different instances.

19 Q What did you do with the information that you got from Mr. Krebs, if
20 anything?

21 A I don't recall if I did anything with it.

22 Q Did you have any follow-up discussions with anybody in the Agency
23 regarding Antrim County, for example?

24 A I believe that there was a larger report done on Antrim County. That would
25 be the only other piece that I believe I got involved in, was a rather lengthy report from

1 an outside entity regarding, again, some issues with the election infrastructure. I'm not
2 sure if this is the same or different. But that would be the only other instance that I
3 recall with Antrim County.

4 Q We're going to talk about that one in a minute. It's also in your binder.
5 And that's in mid-December.

6 I'm wondering if in the November, mid-November timeframe, you followed up
7 with anyone within the Agency regarding the Antrim County allegations that were raised
8 in the senators' letter and addressed by Mr. Krebs.

9 A No. I don't recall once I received the information back from Director Krebs
10 on whether I talked with -- again, as Acting Secretary, I have -- I had a number of
11 counselors. One of them handled election -- or, sorry, handled cybersecurity results.
12 He was also a former commissioned officer. So I may have had discussions with him.

13 But there was no direction. It would have just been asking him questions about
14 some of what Chris said. But I don't recall that. And I don't recall -- and I'm pretty sure
15 I did not have any further discussions with anyone else at CISA.

16 My interaction with folks at CISA was to those three individuals almost exclusively.
17 So it wasn't I would pick another entity or an individual inside CISA to have conversations
18 with.

19 Q Got it.

20 Who is the individual you mentioned just a moment ago that you might
21 have -- that you occasionally would talk to about election security issues?

22 A Jason Ogden, I believe is his name.

23 Q Okay. Did you reply to the President regarding what you had found in
24 response to the letter that he asked you to take a look at or get your hands on?

25 A No.

1 Q Did you feel that, given the fact that he referred you this letter, that you
2 needed to come back to him with some type of response?

3 A Well, I made sure that Chief Meadows and others knew of the response, but
4 I did not feel that I needed to go directly back to the President. I don't know if that's
5 your question or whether -- I provided CISA's analysis, whether it was this one or whether
6 it was the report, back to the White House.

7 Q Well -- and thank you, because I did ask you directly about the President, so I
8 appreciate your being precise in your answer.

9 So I take it the answer to my precise question is, no, you did not talk to the
10 President --

11 A No.

12 Q -- about this.

13 A No.

14 Q Okay. Anyone else at the White House -- and I'm focusing on this
15 November timeframe and this information, not -- we're going to talk later about
16 information that came in a month later.

17 Did you report back to Mr. Meadows or anyone else at the White House that you
18 had looked into the issues that the President had asked you to look into regarding
19 Michigan?

20 A Yes. I made sure that the chief of staff understood that I was looking into
21 the issue that the President had asked I take a look into. I did that routinely in case --

22 Q I'm sorry?

23 A I said I did that routinely, just to make sure that the chief of staff
24 understood. I wasn't always sure which conversations he was on or not. So if I had
25 conversations with the President, not always, but lots of times I made sure that the chief

1 understood what I was doing.

2 Q With respect to this issue, how did you make sure that the chief of staff was
3 aware that you had looked into these issues?

4 A Probably a verbal conversation with him.

5 Q Do you remember a conversation?

6 A I don't. I don't remember a specific conversation. Again, this -- I mean, I
7 appreciate the questions. This would have been one of probably 14 "hair on fire" issues
8 that I was dealing with that day, not specifically regarding the election but regarding all of
9 DHS equities that were going on in the country at the time.

10 So it's not -- I'm not trying to not answer your question. I don't recall a specific
11 conversation.

12 Q Fair enough. Fair enough. It's just that these issues do keep coming up
13 again, as you'll see, and it's sort of interesting or important, from my perspective, to
14 understand what information was flowing back to the White House regarding what
15 you've been finding on this.

16 So I take it from your answer that your practice would have been -- and I don't
17 want to mischaracterize -- your practice would have been to report back to the chief of
18 staff with information like this that you gathered in response to an inquiry from the
19 President, but you don't recall a specific conversation with the chief of staff.

20 Have I captured your recollection?

21 A That would be usually the avenue that I went, and it would usually involve
22 letting him know that I'm working the issue, trying to find out exactly what's going on.

23 Again, to go back. So I waited from Chris to get a more fulsome response. I got
24 that. And then I would have communicated somehow some way that to the chief at
25 some point.

1 But, again, I don't recall those conversations -- exact conversations I should say.
2 It could have been -- again, I'm not going to speculate on -- it could have been a short
3 conversation or a long one, but I don't -- I don't remember it.

4 Q Fair enough. Let's take a look at -- I'll move on from that unless anyone has
5 any other questions on it.

6 No.

7 BY [REDACTED]

8 Q Okay, let's move on to exhibit 10.

9 A Yep.

10 Q Do you recognize this document?

11 A I do.

12 Q Well, the document I've given you is actually an email, but it attaches a
13 statement made by what I referred to as the Coordinating Council.

14 Are you familiar with the Coordinating Council and what that entity is?

15 A I am. Well, I'm vaguely familiar with it. I know it insomuch as how CISA
16 has briefed it to me. I have not -- I did not take part in any of their meetings. I never
17 addressed them. I never had in-depth conversations with the Coordinating Council.
18 But I knew what its role was, because of briefings that CISA would give to me.

19 Q Got it. What is your understanding of the Coordinating Council's role?

20 A It's just that. It's a Coordinating Council between the Federal Government
21 and State and local election officials, making sure that they -- the relationship, I
22 understand it, leading into the '16 election was not good between DHS and election
23 officials.

24 And so, you know, this Coordinating Council, as well as other efforts and other
25 initiatives, was trying to build that relationship back up so they could trust one another in

1 sharing information and the like.

2 So that's my understanding.

3 Q Do you recall why you sent this statement from the Coordinating Council to
4 Chief of Staff Meadows on November 16th?

5 A I believe it was at his request. He had called me and asked if I had seen a
6 report that was issued by CISA. I had told him I had not seen a report.

7 Q And is it that there's -- and you note in your email there's no report. But
8 did you -- had you seen the statement --

9 A I did not see the --

10 Q -- before you received this?

11 A I don't know the exact timeframe. I had not seen the statement before it
12 was issued. I don't know if that's your question or had I seen the statement before Chief
13 Meadows had reached out to me. I'm not sure which one.

14 Q The latter.

15 A It's the latter. I don't know without a timeframe.

16 I was made aware of the statement shortly after it was issued. How that falls in
17 with his request, I don't have those timeframes in front of me.

18 Q Okay. And what do you remember about the phone call with
19 Mr. Meadows in which he asked about what he was calling a report?

20 Mr. Wolf. You guys want to talk?

21 Mr. Luce. Can we just have a minute to talk? We're going to step outside.

22 [REDACTED] And can I just, before you do, because I don't want to interfere or
23 anticipate what you need to discuss, but I did take a look at the White House letter,
24 Mr. Block, that you shared earlier. And I do think that this is squarely within that,
25 because, as we'll see in a moment, it relates to personnel moves and so forth within the

1 Agency.

2 So, with that, I just wanted to share my sort of perspective on it. But you all talk
3 and then we'll get together when you're ready.

4 Mr. Block. Okay, thank you.

5 [Discussion off the record.]

6 BY [REDACTED]

7 Q Tell me what you recall about the conversation with Mr. Meadows in which
8 he asked about what he was calling a report.

9 A The only thing I remember was Chief Meadows asking if I had seen a report
10 that was put out regarding the security of the election, and I had told him I had not, but
11 that I would look into the issue and see what I could come up with.

12 And I think what I found was it wasn't a report. When I think of a report, I think
13 of something 20 to 50 pages long. That, in fact, I believe he was referring to a statement
14 of which I forwarded him.

15 Q Okay. And I think you said earlier you don't remember if you had
16 previously seen the statement.

17 A No. I mean now I do, because when we stepped out we looked at the
18 dates. So, again, if it was released on November the 12th, I was -- I saw it on November
19 the 12th. And then obviously Chief Meadows' email to me or my email to him is on the
20 16th.

21 So yes, I was aware of the statement, but, again, I was being asked about a report.
22 It didn't dawn on me to connect the two, because one's a report and one's a statement.

23 Q Understood.

24 Let me ask you first -- I'll come back to that conversation with Chief
25 Meadows -- but let me ask you, when you saw, first saw the statement, did it cause you

1 any concern?

2 A Yes, it did.

3 Q What was the nature of your concern?

4 A I didn't understand part of the statement, the fact that CISA's name
5 was -- because it's a joint statement, obviously, between CISA and a variety of secretaries
6 of state and others. And so there was a phrase of the statement that gave me concerns.

7 Q Which phrase is that? Is it the one -- is it the sentence that's in bold --

8 A Let me find it.

9 Q -- on exhibit 10?

10 A No. The one I was referring to was the paragraph above, where it says,
11 "The November 3rd election was the most secure in American history."

12 Q Why were you concerned about that statement?

13 A Well, I think you got to remember back -- this is days after the election.
14 And so this is in a time where there's a lot of different allegations, a lot of different things
15 that are going on at the time.

16 And to have someone from CISA say that it's the most secure election and not
17 really be altogether that precise in their language gave me a lot of concern.

18 Q Did you make statements like that on election day?

19 A I may have made -- I don't recall making statements like that. If I did, I
20 would have tried to have been as clear as possible. But I think if I did make statements,
21 it would have been coming from the Acting Secretary of DHS as it relates to CISA's
22 authorities versus a statement like this, which includes a lot of private sector entities,
23 which means different things to different people. In my mind, that's how I read that
24 statement.

25 Q Did you ever characterize the November 3rd, 2020, election as the most

1 secure election in history, if you recall?

2 A The most secure election in history? I don't know that I ever did, but I
3 don't recall that.

4 Q Prior to November 12th, had you ever heard Mr. Krebs say that in your
5 presence?

6 A No.

7 Q And so when you saw that in the -- in this Coordinating Council statement, I
8 just want to make sure I understand, it troubled you not because -- was it because of the
9 words that were used here or the context in which the words are being used?

10 A It concerned me from both of those angles. One, it's not very precise
11 wording.

12 So, again, CISA's authorities have to do with cybersecurity on election
13 infrastructure. So if you want -- perhaps the language should have said the most
14 secure election from a cybersecurity standpoint. That I could understand.

15 That's not what this phrase says, that's not how people were reading it, and that's
16 not the manner in which it's received. So that was my concern.

17 Q But the fact that it's not just a CISA statement, it's CISA plus State entities
18 who have responsibilities beyond just cyber.

19 A Correct.

20 Q And that together they're coming together and saying, we all agree from our
21 different perspectives it's the most secure in American history. Did that trouble you?

22 Mr. Luce. I just want to note -- I want to make sure the statement we're talking
23 about, this is from the Coordinating Council, right, not from CISA itself, correct?

24 [REDACTED] Correct.

25 Mr. Luce. The question was mixing the statement coming from both sources.

1 So I just want to be clear whose statement we're referring to right now.

2 BY [REDACTED]

3 Q Fair enough. I appreciate the clarification. Yes. I'm talking about the
4 November 12th statement.

5 A Yep.

6 Q And I took your point, Mr. Wolf, that CISA only has a particular focus. It's
7 not looking at all aspects of the election, but only the cyber piece, is what I was
8 understanding your statement to be.

9 A Correct.

10 Q Is that fair?

11 A That's fair.

12 Q But the Coordinating Council, you would agree that collectively they have a
13 much broader aperture?

14 A They have a broader view. I don't know that they have broader
15 responsibilities. Each one of these individuals on the Coordinating Council have
16 individual responsibilities. As a whole, as a Coordinating Council, I don't know that they
17 have specific statutory responsibilities. I'm not sure if that was your question or not.

18 Q I'm just wondering why it troubled you that this group, this broad group of
19 different responsibilities, came together and made that statement, why that was of
20 concern to you.

21 A Because we had an individual from CISA who obviously signed on to that
22 statement. I'm trying to find his name.

23 Q Bob Kolasky?

24 A Yeah. So obviously, CISA is at the top of that. And so it was inferred by a
25 number of people -- and I inferred it -- that this was the view of CISA, because they have

1 signed on to the statement, they're at the top of the statement. It's the Cybersecurity
2 and Infrastructure Security Agency.

3 That they say it's the most secure election in history days after a contested
4 election, days after a lot of stuff has not been resolved. They're not very precise in their
5 wording. They don't say it was the most secure from a cybersecurity perspective.
6 Instead, my reading of it and why I had concerns was they now are endorsing other
7 viewpoints of these other individuals on this Coordinating Council that they don't have
8 expertise in.

9 They coordinate with secretaries of state. But other than maybe one individual
10 in the State of Michigan, in the State of Florida, in the State of California, we do not
11 have -- or CISA, I should say, did not have numerous, numerous individuals in different
12 localities around the State to back up whatever claims or statements or assertions a lot of
13 these individuals were making, rightly or wrongly. I'm not judging what their statements
14 were.

15 That's what gave me concern, is the endorsement by CISA of a larger statement
16 that I believe that Coordinating Council was trying to make.

17 Q Understood. Understood. The sentence that I was calling your attention
18 to earlier, it's bolded in my version, but -- and I think it was bolded in the original. But
19 do you see where I'm reading, the last sentence of the next paragraph?

20 A I do.

21 Q Did you have concerns about that statement?

22 A I had general concerns. I would say my concerns about the previous
23 statement we were talking about probably were more pronounced than this one. I still
24 had concerns about this statement. I still asked questions about this statement.
25 Because, again, it's not like it was months after the election. It was days after the

1 election.

2 And, you know, my conversations with the three folks at CISA that I primarily
3 communicated with was they were still looking into a variety of different things. And so
4 that statement at that time seemed a little -- very, very definitive for where we were days
5 after the election.

6 Q Who at CISA told you they were still looking into things along the lines of
7 what's referenced in that sentence that we just --

8 A My statement about CISA looking at just general things wasn't specific to
9 that statement. They were still engaged with a number of States, still providing their
10 expertise to a number of States. And so those would have been conversations from
11 Director Krebs, as well as probably Brandon.

12 Q Did you share with Director Krebs your concerns about the Coordinating
13 Council statement generally or the specific sentence that we were just talking about?

14 A I did.

15 Q What did you say to him?

16 A I said, "I have concerns with that statement. I don't think it's very clear. I
17 think it implies that CISA knows more than they actually do know, that they actually have
18 responsibility for, that they actually have expertise for. I think that statement is being
19 read by certain people to say certain things and that you needed to use more precise
20 language."

21 Q What did he respond?

22 A He said he agreed.

23 Q And then you had that discussion with him after the statement was issued
24 but before your conversation with Mr. Meadows about it. So between the 12th and the
25 16th?

1 A Yeah. Again, I was not made aware of the statement before it was issued.
2 I was made aware of it shortly thereafter, I believe on the same day. I would have had
3 that discussion with Director Krebs either that day, depending if it was late at night, or
4 the following morning. But it would have been within hours of me reading and being
5 made aware of that statement.

6 Q Going back to your conversation with Mr. Meadows on or about the 16th
7 when he asked you if you had seen a report, did you talk with him at all about the
8 statement during that conversation?

9 A No. He asked about a report. And so as he was asking about a report, I
10 was going through my mind on what report was he referring to. And it didn't dawn on
11 me until after the phone call that he was talking about a statement, a press statement,
12 and not -- I was thinking a more technical report and I was trying to figure that part out.
13 Then I figured -- figured out that he was actually referring to a statement.

14 Q Did he say anything else about his concerns about the report or why he was
15 asking you whether you had seen it?

16 A No, not to my recollection.

17 Q Nothing along the lines of your director has said stuff he shouldn't be saying
18 or anything to give you a hint as to why he was asking about that document?

19 A Yeah. Again, it was, "Have you seen a report from CISA?" I had not seen
20 a report that CISA had issued. I was not aware of a report that CISA has issued. I told
21 him, "Let me check into it."

22 I don't recall asking CISA if they had issued a report. Most likely, I asked one of
23 my counselors if they had issued a report. That would have come back no, they issued
24 the, you know, the statement. So that's what I recall from that interchange.

25 Q Okay. So Mr. -- and I don't want to get hung up on the report versus

1 statement piece. I think you've explained that fairly well and more than once. But I'm
2 just wondering whether Mr. Meadows shared with you why he was asking for whatever it
3 was he was asking about.

4 A I don't recall if he did. He may have. But I recall him asking about a
5 report that CISA had issued. Again, this is days after the election. So as soon as
6 he -- let me step back.

7 It wasn't uncommon for reports to go out of DHS that the Secretary didn't see,
8 which was always an issue and always a concern. So when he was saying, "Hey, have
9 you seen the report?" my inclination is something else came out of the Department I
10 haven't seen.

11 And so that's my mindset at the time. It wasn't, "Oh, I know exactly the
12 statement you're referring to." It was, "What has been the report that they have issued
13 that they issued on -- they issued without giving us a heads-up?"

14 Q Got it. At any point did Mr. Meadows share with you why he was asking
15 about that particular document, whether it was a statement or a report, however he
16 characterized it?

17 A I would say it was universal that individuals had the same concern about the
18 same statement that I did.

19 Q What do you mean by it was universal?

20 A So his concern about the statement was the same concern I had. Is that
21 clear?

22 Q So he told you he had a concern about the same sentence that you were
23 troubled by?

24 A Not beforehand. We talked -- so I provided him the statement, and we
25 subsequently had some conversations around that. Subsequently, I understood what

1 the concern was.

2 So yes, subsequently we had conversations around that. I don't recall him
3 articulating that concern on that phone call, if that's -- sorry, is that your question?

4 Q No, no. We had already -- I had broadened it to at any time. So this could
5 be after, before. It sounds like it's after. At some point, did Mr. Meadows tell you that
6 he was concerned about language in that statement?

7 [Discussion off the record.]

8 Mr. Block. I guess I would just say I think we're kind of dancing around some
9 privilege issues in terms of, you know, the communications with the White House and
10 stuff.

11 And so I think just kind of being clear about what is -- what conversations you're
12 asking about could be helpful in terms of, you know, having a better back-and-forth and
13 answers.

14 [REDACTED] Is there a concern that we're encroaching on issues that are not
15 covered by that letter, the White House letter?

16 Mr. Block. I mean, again, it's potential. I mean, communications with the
17 White House, they have a waiver that's here. And so I don't want to get into kind of the
18 conversations between myself and my client, but all conversations, you know, with the
19 White House, unless waived, you know, implicate issues.

20 And so I just want to make sure that we're, as we kind of navigate these, we're
21 being clear about which conversations we're talking about and what they relate to.

22 [REDACTED] Fair enough. And I'm trying to be sensitive to staying within the
23 scope of that waiver as well. So I thought we were in good shape here, but if I'm not, let
24 me know.

25 So I can't remember exactly where we left off, but let me just ask if there

1 were -- did Mr. Meadows share with you in a conversation after you sent him the
2 statement that he had concerns about a portion of the statement?

3 Mr. Wolf. You guys want me to answer it?

4 Mr. Luce. I think you can answer that like a yes or no. Did he offer his concerns
5 or not offer concerns?

6 Mr. Wolf. He did. Chief Meadows offered his concerns regarding that
7 statement.

8 [REDACTED] Did he tell you what the concerns were?

9 Mr. Luce. And I would just add, consistent with the guidance from the White
10 House, if it relates to efforts to alter the election results or obstruct the transfer of power,
11 you can answer that. If it doesn't relate to those areas, then I wouldn't get into the
12 specifics of it.

13 [REDACTED] Well, I think -- let me just see if I can pull up the letter here. There's
14 also something here about personnel moves. And I'll represent to you that the outcome
15 of those discussions was that Mr. Krebs got fired. So I do think it falls squarely within
16 that topic.

17 Mr. Luce. But -- so I was looking at if this is the -- let me see which paragraph.
18 The paragraph starts with, "You have explained." And about halfway, two-thirds of the
19 way down, it says, "If, however, personnel decisions, including terminations, relate to the
20 subjects listed above, namely efforts to alter the election results or obstruct the transfer
21 of power, Mr. Wolf may discuss deliberations as well as the facts surrounding those
22 decisions."

23 So that's where I was reading from. If the answer to that question is it relates to
24 "alter the election results or obstruct the transfer of power," then yes, Mr. Wolf can
25 answer that. If it doesn't relate to that, then he shouldn't answer that.

1 [REDACTED] Okay.

2 Mr. Wolf. Yeah. So my opinion -- I mean, my view is it doesn't address either
3 of those issues, a transfer of power -- what was the other one?

4 Mr. Luce. Overturn the election.

5 Mr. Wolf. Or overturning the election. Yeah.

6 BY [REDACTED]

7 Q Did you talk to the President about any concerns that he had about this
8 statement?

9 A Again, I think that would be the same -- the same answer.

10 Q Well, you don't have to tell me what the substance was. I just want to
11 know if you had a conversation with him about this Coordinating Council statement.

12 A Again, those would be specific discussions with the President. And on the
13 advice of counsel, I can't answer that question, because I understand it to be matters in
14 which the President has not waived executive privilege.

15 I can tell you, generally speaking, the concern that I had that I articulated to you
16 earlier about that phrase was a universal concern from people in the private sector, in
17 government, and basically anyone else I talked to, was a universal concern of it's such a
18 definitive statement coming from CISA, who has very limited jurisdiction and authority.
19 What is it that CISA knows more about, you know, the election results and what's going
20 on at that time than everyone else across the country?

21 And the answer was they don't know. They know very specifically the
22 cybersecurity of the election infrastructure. They did a great job, and I'd be the first one
23 to stand up to say that they did a great job. That's not what that phrase implies. And
24 so there was universal confusion around that statement.

25 Q Did you make the decision to fire Mr. Krebs?

1 A No. Mr. Krebs is a Presidential appointment. He was not a Secretarial
2 appointment.

3 Q So were you told to fire Mr. Krebs?

4 A No. Again, Mr. Krebs was not a Secretarial appointment. I had no
5 authority to dismiss him.

6 Q Were you consulted about whether he should be terminated?

7 A Again, these are personnel matters. So, again, on the advice of counsel,
8 can't answer the question because I understand it to be matters in which the President
9 has not waived executive privilege.

10 Q Did you have discussions within the Department of Homeland Security prior
11 to the election about firing Mr. Krebs?

12 A Within DHS, no.

13 Q Did you ever talk to Mr. Cuccinelli about whether Mr. Krebs should be
14 terminated --

15 A No.

16 Q -- before the election?

17 A No.

18 Q How about after the election, did you talk to Mr. Cuccinelli?

19 A We had the same concerns about the same statement.

20 Q Did you -- were you made aware that Mr. Krebs was going to be terminated
21 before he was, in fact, terminated?

22 A To the extent I recall, I believe I recall receiving a heads-up.

23 Q From the White House?

24 A Yes.

25 Q Did you notify Mr. Krebs?

1 A No. It was -- it was pretty real time.

2 Q Do you know how he was notified of his termination?

3 A I don't.

4 Q Could it have been by tweet?

5 A I don't know. I would suggest you ask Mr. Krebs.

6 Q Did he call you after he read a tweet saying that he had been terminated?

7 A Yes. I believe he -- I was traveling. He tried to get in touch with me. I
8 think we played some phone tag. But yes, we got in touch that evening.

9 Q What did you discuss with Mr. Krebs?

10 A It was more personal than -- personal comments. I had known Director
11 Krebs before DHS service. So it was, you know, he understood what the situation was
12 and started talking to me about, you know, the transfer of power inside CISA.

13 [REDACTED] Any other questions on this before we move on?

14 [REDACTED] do you have a question?

15 Mr. Wolf. I will note, when I talked to Director Krebs about the statement and
16 he agreed that it was not as specific as it needed to be, I asked him to clarify the
17 statement. And he did refuse. And that was an ongoing issue.

18 BY [REDACTED]

19 Q This is between the time of the statement and the time he was terminated?

20 A This is the day of the statement, the day of the statement.

21 Q I want to step back from this issue and talk generally about -- I know you said
22 you had a lot on your plate during this timeframe, and I'm sure that's the case, and it has
23 been -- it's been over a year.

24 Do you recall what, if any, election fraud issues were being raised within the
25 Department between mid-November and this timeframe we've just been talking about in,

1 say, mid-December?

2 A Election fraud issues within the Department? Are you asking about
3 conversations between departmental personnel?

4 Q Yeah. I'm just wondering whether CISA was grappling with various election
5 security issues, I should say, in that mid-November to mid-December timeframe.

6 A I recall, you know, CISA being asked to do any number of things, some of
7 which were inside their jurisdiction and others were not. So yes, I mean, I recall them
8 being heavily involved. We've discussed one, you know, Antrim County. They were
9 involved in taking a look at that analysis.

10 So it would be -- it would certainly be things of that nature. And they were, of
11 course, monitoring things that were going on in selected States as well.

12 Q Do you remember any particular issues that percolated up to you that were
13 of concern to folks in the Department?

14 A No, none that came directly to me.

15 Q Did you have discussions between mid-November and mid-December with
16 the President or others at the White House regarding election security issues in that
17 timeframe?

18 A Others at the White House? The answer -- yeah, it has to be yes, because
19 you said mid-November. So anything on the 16th of November or beyond. I'm sure
20 there was a conversation or two.

21 Q Do you remember any of those specific conversations?

22 A Not specifically. It usually revolved around -- again, there was mass
23 confusion, mainly because of this statement, about what CISA could and could not do
24 around election security.

25 And so there was a lot of questions about, well, if CISA makes such a broad,

1 sweeping statement, clearly they can do other things.

2 And so a lot of what I was having to do is actually to explain to people what CISA's
3 authorities were and were not. And so I remember a couple of general conversations
4 about that.

5 Q Do you remember being summoned to the White House to talk specifically
6 about seizure of voting machines and whether that was possible?

7 A No.

8 Q Do you recall meeting with CISA leadership in early to mid-December and
9 telling them that you'd been asked to come to the White House and talk about these
10 issues and you needed some and wanted some guidance from them?

11 A I probably would have had a conversation with them about that issue,
12 because that was certainly a topic we were getting questions about.

13 I don't recall meeting in public -- or, sorry, meeting in private with them, though at
14 this time they were involved in a number of meetings at the Department. So I certainly
15 could have been in one meeting where they happened to be in as well and asked them a
16 question about this issue.

17 I don't ever being -- I don't ever recall being summoned to the White House or had
18 a White House meeting on this issue.

19 Q Do you remember asking Geoff Hale and Brandon Wales to give you some
20 talking points and some information because you had been asked to come to the White
21 House and discuss whether voting machines could be seized and you wanted to be armed
22 with information before that meeting?

23 A I think I've answered that question. So I've had discussions with CISA.

24 Q I just want to see if it jogs a memory for you.

25 A Yeah. I had discussions with CISA about our authorities to do just that. I

1 discussed that not only with CISA but with our general counsel as well.

2 But, again, it was like -- I don't recall having a meeting, a physical meeting at the
3 White House regarding that, regarding that issue.

4 Q Fair enough. Do you remember being asked by someone at the White
5 House to answer that question?

6 A I recall being asked several times about that particular issue, about the
7 seizure of voting machines.

8 Q Who would ask you about seizure -- who from the White House asked about
9 seizure of voting machines?

10 A Yeah, again, it was general conversations. Again, the majority of my time
11 back and forth -- again, it was two or three times I was asked about, you know, the ability
12 of DHS, the authority of DHS to seize voting machines at the White House -- or from -- not
13 only from the White House, but from the private sector and anyone else. I mean, that
14 was a hot topic in the news and people were asking that question.

15 Q You said that before. I'm asking you, who at the White House raised that
16 question, raised that issue with you?

17 A So that concern came from Chief Meadows. He didn't ask me to seize it.
18 He asked if -- because, again, I go back to my earlier statement. There was such
19 confusion from the statement that CISA had put out that a variety of folks believed that
20 they had a lot more authority than they did.

21 And so it became an education campaign to say, no, CISA had actually overstated
22 what their authorities were and here's what they can and can't do. We can go in when
23 requested by States. There is some authority that they have. But there are limits to
24 their authority.

25 So that's what I, you know, I had to articulate when folks asked that question.

1 And that was the universal answer, depending on who asked it.

2 Q So just so I'm clear on this, it's your view, Mr. Wolf, that the Coordinating
3 Council's statement is what triggered or prompted people to suggest that DHS should
4 seize voting machines?

5 A No, that's not my statement.

6 Q I thought you said that that contributed to this notion that DHS had
7 authority?

8 A I said it contributed to the confusion. It contributed to the confusion of
9 what DHS could and could not do. And so there was confusion on the authorities of
10 DHS, the authorities of CISA as it related to voting machines and the seizure of them,
11 because of certain statements that were being made at the time.

12 Q Take a look at exhibit 46, which hopefully made its way into your binder.
13 We just got it last night.

14 A It's here. Okay.

15 Q Have you seen this document before?

16 A It's largely redacted, but I recall some version of it.

17 Q And it looks like -- who's Chad Mizelle?

18 A He was our acting general counsel.

19 Q It looks like he's sending -- the first email in the chain is from him to you and
20 others discussing the question of -- well, the part that's unredacted is about whether "the
21 Department has authority to provide assistance on election integrity issues where States
22 request our assistance."

23 A Correct.

24 Q And then the last sentence of that first paragraph says, "CISA has no
25 authority to involuntarily seize election equipment from the States to inspect the

1 equipment or check for election irregularities."

2 Do you see that?

3 A I do see that sentence.

4 Q Had you asked Mr. Mizelle to research that issue or to write something up
5 on it?

6 A Again, I stated that earlier, that I was not only asking CISA but also our acting
7 general counsel at the time so that I could better understand what our authorities were
8 and were not.

9 So yes, answered that I had asked Chad Mizelle to research that from a legal
10 perspective, and I believe he interfaced with the general counsel over at CISA at the time.

11 Q And Mr. Mizelle sent you this on the night of the 18th.

12 Do you -- and I know this is a very specific question -- do you have an
13 understanding or a general sense of how long before that time, December 18th at 9:15
14 p.m., you would have asked Mr. Mizelle to look into this?

15 A I don't. I would have to speculate. I don't recall how many hours or days
16 before the December 18th I would have asked him. However, because I know
17 attorneys, this would take a while. This would, you know, at least take a day or two
18 would be my guess.

19 Q Yeah. And the reason I ask is that I was alluding earlier to a conversation
20 you had with Mr. Hale and Mr. Wales on this same topic, that is, the one about seizing
21 voting machines, and I believe that happened maybe a week before this letter.

22 A Right.

23 Q And so the point of my question is, or what I'm driving at is, had you already
24 addressed this issue with other folks within CISA before you got Mr. Mizelle's letter or
25 before you even asked Mr. Mizelle to write such a letter?

1 A I'm sorry. When you say "addressed," you mean talked with or
2 adjudicated? What do you mean by "addressed"?

3 Q Did you guys have an answer from CISA leadership on the question of
4 whether voting machines could be seized before you asked Mr. Mizelle to weigh in on it?

5 A No. I certainly asked CISA to weigh in. CISA never gave me a definitive
6 answer, although their answer was, "We don't believe we do."

7 But any time there is a question about legal authorities, as Acting Secretary, I had
8 to get that from the general counsel. I did not want, you know, non-attorneys weighing
9 in on legal authority.

10 So part of Chad Mizelle's job is to actually coordinate with CISA, is to actually have
11 that coordination so that he can understand, read the law, talk with other attorneys, and
12 render, you know, a decision to the front office -- or to the Acting Secretary in this case.

13 So that's, you know, ten out of ten times usually how that worked when we're
14 talking about the legal authorities.

15 Q And you forwarded the letter on to Mr. Meadows?

16 A Yeah. So this would go back to the question that I answered earlier, which
17 was I was getting asked a lot about this issue. It was in the, from what I recall, it was in
18 the news quite a bit.

19 And so I was asking questions, because I didn't know the answer to it. So I was
20 asking CISA, I was asking our general counsel and others, not for independent answers
21 but for them to coordinate, for them to talk amongst themselves, so that they could
22 provide one answer for the Acting Secretary. And I believe the Deputy Secretary was
23 probably getting similar questions as well.

24 Q Okay. And I don't mean to belabor this, Mr. Wolf, so let me just sort of get
25 to the point of where I'm trying to go here.

1 Is it fair to say that even after you gave an answer to the White House on this
2 issue of seizing voting machines, the White House or folks within the White House kept
3 asking the same question of you or of the Department?

4 A So I was asked a couple of different times. I don't know if some folks
5 weren't aware. So, obviously, I sent this to Chief Meadows. What he did with this I
6 don't know.

7 So some other folks may have not been aware of, you know, CISA's
8 authorities -- or lack of authorities in this case. And so, again, I would reiterate, if
9 someone else would ask, I would reiterate sort of the same -- the same answer.

1

2 [1:06 p.m.]

3

BY [REDACTED]

4 Q So, if that -- and I'm not asking you to get into their heads about why they
5 weren't asking or whether they were aware of this. But so is it accurate that you were
6 asked by the White House, after you were told that it can't be done, that the same
7 question kept coming to you from the White House?

8 A No. I don't know that that's accurate. I don't know that -- I don't have
9 any recollection after Mark Meadows, you know, on the 19th of December, that I got
10 additional questions after that.

11 All I do recall is getting multiple questions from different entities. When you say
12 "the White House," the White House is not monolithic. It's not one person. It's
13 multiple different people. Sometimes they coordinate; sometimes they don't. And so
14 I would get multiple inquiries, and I would answer them the same way every time.

15 Q Okay.

16 I keep saying I'm going to get to the ASOG report. I want to do it -- I know we're
17 short on time here, so let's just take a look. It's exhibit 11.

18 A Yep.

19 Q I'm sorry. I used the short term, "ASOG." That's Allied Security
20 Operations Group. Have you heard of that organization or that entity before?

21 A Not before this report.

22 Q Okay. Do you remember whether you saw this document at or around the
23 time that it's dated? That's December 13th, 2020.

24 A I don't know -- I don't know the exact date I saw the document. I don't
25 know if it was on the 13th or a day later or 2 days later.

1 Q Do you remember, when you got it, if you reviewed it?

2 A I'm sorry? Did I read it?

3 Q Did you read it or review it in any way?

4 A I probably would have scanned it very quickly. But it is very -- from what I
5 recall, very detailed, and so I would've sent it directly over to CISA.

6 Q When you first saw it, did you recall thinking that it was familiar to you, that
7 the issues that were being raised were familiar to you?

8 A Only as it referred to a specific location in Michigan.

9 Q Antrim County, right?

10 A Right.

11 Q And you had gotten briefed on the information regarding Antrim County
12 about a month before. Is that right?

13 A I'd gotten information, correct. At that time, I didn't know if it was the
14 same issue or a different issue.

15 Q Got it. Did you have any discussions with anyone at CISA along the lines of,
16 "Hey, is this the same thing we were talking about in November or is this something
17 new?"

18 A I don't recall that exact conversation or phrase that I would've used with
19 them. I do recall sending it over to, I believe, Brandon Wales at the time, asking him to
20 look into it, and I believe he did.

21 Q Did you have interaction with anyone at DOJ about the issues raised in this
22 report?

23 A I did not.

24 Q Had you ever talked to anyone at DOJ about Antrim County issues?

25 A I did not.

1 Q Take a look at exhibit 39. This may have come to us from DHS. I am not
2 certain of that. It's a free-standing document that I've seen in a different context. And
3 I'm wondering if you've seen this or this has made its way up to you.

4 A I was not aware of this until it was provided, you know, several days or
5 weeks ago. But this doesn't strike my recollection.

6 Q Fair enough.

7 How about exhibit 12?

8 Mr. Block. Hold on 1 second.

9 Mr. Wolf. If you could give us a minute.

10 ██████████ Sorry. The binder fell apart, █████

11 [Discussion off the record.]

12 Mr. Wolf. Okay.

13 BY █████

14 Q So, just to get you oriented, this looks like it's mid-December. The chain
15 starts on December 15 --

16 A Right.

17 Q -- the email chain. And let's start at the bottom, if I could. The first email
18 in sequence, in time, right, is from Brandon Wales to you, with CCs to others.

19 A Okay.

20 Q Sorry, to you and Mr. Cuccinelli. Right?

21 A Correct.

22 Q So it --

23 A And then there's other folks CC'ed on that.

24 Q Yes, including Chad Mizelle, which creates maybe some of this confusion
25 here.

1 It says, "Sirs: Chad, Geoff Hale (lead for our Election Security Initiative), I spent
2 about 90 minutes with the AG." So the syntax there is slightly confusing.

3 Do you know -- first of all, did you, Mr. Hale, and Mr. Wales spend 90 minutes with
4 the AG?

5 A No. I mean, I did not.

6 Q All right. That's fine. So, to the extent that --

7 A I mean --

8 Q -- what he's conveying there is that a person named Chad, Mr. Hale, and
9 Mr. Wales met with the AG, that's not you.

10 A That's not me, because I know -- and not because it's anything other than
11 just the position. I don't recall anyone referring to me once I became Acting Secretary
12 as "Chad."

13 Q Okay. So you're the "sir" in that email, not the "Chad"?

14 A Again, that would -- yes. I mean, 100 percent of the time, that's usually
15 what it was.

16 Q Okay. Okay. Fair enough.

17 Were you aware before this email that Mr. Mizelle, assuming that's who that
18 refers to, Mr. Hale, and Mr. Wales had met with the Attorney General that day?

19 A I understood that CISA was talking with the Department of Justice on a
20 variety of election security concerns. Because, obviously, they have a lot of jurisdiction
21 when it comes to election fraud, and then CISA has their jurisdiction.

22 So I knew there was ongoing discussions going on. I can't recall if I knew that
23 they were speaking directly with the AG or whether they had a meeting at the
24 Department of Justice and then the AG joined and it was the readout of that. I don't
25 know if I knew beforehand whether they were meeting with the AG or not.

1 I don't suspect I did. Just, again, my recollection is, if I knew there was a meeting
2 with the AG, if I was unable to make it, I would've sent the Acting Deputy, just because it's
3 at that level. So, again, I'm not sure how that meeting came together.

4 Q Other than what's set forth in this email exchange, do you recall any
5 discussions with Mr. Wales or Mr. Hale regarding their discussions with DOJ on this issue?

6 A No, I don't.

7 Q So have you ever had a conversation with either of them discussing what
8 they talked to Attorney General Barr about in mid-December?

9 A I mean, there may have been some -- again, there's a lot of meetings going
10 on. You know, CISA -- at this time, Brandon Wales -- yeah, we're in
11 mid-December -- Brandon is part of the -- he's now part of the intelligence briefing from
12 time to time that happens in the morning. So, yes, he could've easily pulled me aside at
13 some point and said, hey, here's what that meeting with the AG was about. I don't
14 recall if that's what occurred.

15 I know that Ken Cuccinelli was following this issue closely. And we divided a lot
16 of these issues, and as I'm doing other things, he's doing this. So, you know, we would
17 obviously tag-team a lot of these different issues.

18 So I don't recall a definitive conversation that Brandon would've had with me
19 regarding this, but that's not to say it didn't happen.

20 Q Got it.

21 Now, the top part of this document or the latest-in-time emails suggest that
22 Mr. Cuccinelli wanted to chat with you one-on-one about the issues in this email chain,
23 and you told him you had a window of time that you might be able to chat.

24 Do you recall whether you did talk to Mr. Cuccinelli about the issues in this email?

25 A I can't recall. I remember having general conversations with Ken about

1 election security issues. I don't recall what the 90-minute meeting with the AG was
2 about. If it was about the report that you were referencing earlier, I don't recall.

3 The only conversation I can vaguely recall -- I don't know when it took place -- with
4 Ken would have been making sure that CISA analyzes the report and they can articulate
5 whether they have any concerns with the report or not. And I know Ken, given his
6 background as attorney general of Virginia, wanted to be involved in a lot of those
7 discussions.

8 Q Do you recall anybody telling you that they had talked to Attorney General
9 Barr and he had expressed strong views on the merits of the election fraud claims that
10 were being promoted with respect to Michigan?

11 A No.

12 Q Do you remember any of your leadership assistants telling you they'd a
13 conversation with Mr. Barr in which he had expressed, sort of in disparaging terms, that
14 he did not think that the claims had merit?

15 A I don't recall any conversation outside of this email about a meeting with the
16 AG or a conversation with the AG. I know, again, my recollection is that Ken was talking
17 to the Department of Justice, but I'm not sure that it was at the Attorney General level.

18 Q Do you remember ever talking to Mr. Cuccinelli about the information that
19 you had gathered from Mr. Krebs back in November regarding Antrim County and
20 Michigan more generally?

21 A I don't recall if I shared that or didn't share that, or whether CISA had
22 forwarded that separately to him or not. I don't recall. Or, I don't know.

23 Q Okay.

24 I'm going to move on to a couple more documents I just want to get your
25 recollection or impressions on. One is exhibit 18.

1 A Okay.

2 Q Have you seen this document before?

3 A Not -- I mean, I don't -- I don't recall it from over a year ago, but I do
4 remember -- I remember, obviously, going through it since it's been provided by the
5 committee.

6 Q And do you recall any discussions with the White House or CISA leadership
7 regarding this request that came in from the Georgia Senate?

8 A No, I don't recall any conversation -- you know, if it came to me -- I don't
9 know that it came to me directly, but perhaps it did -- I would have forwarded this to CISA
10 for them to take a look at.

11 Q Okay.

12 And take a look at exhibit 16.

13 A Okay.

14 Q And it's a lengthy email from Mr. Wales to Mr. Cuccinelli. And then it looks
15 like Mr. Wales forwarded that to you for your information.

16 A Okay.

17 Q Do you recall this interaction between Mr. Wales and Mr. Cuccinelli?

18 A Vaguely.

19 Q What do you remember about it?

20 A I recall Ken asking CISA about the ability to share information, I believe with
21 the private sector, and them having a back-and-forth regarding that.

22 Q Well, if I'm reading this correctly, it looked as if, in the earlier emails -- and
23 we can start at the bottom -- Mr. Cuccinelli was expressing some concern about a policy
24 that he had heard about about sharing information outside the component, even with
25 headquarters.

1 Do you remember that being an issue or concern of Mr. Cuccinelli's, about that
2 perhaps CISA was not sharing information with -- I assume "headquarters" means DHS
3 headquarters.

4 A I assume that's what the "headquarters" means.

5 I have a general notion, yes, that Ken was asking questions about that. I don't
6 recall in which context he was asking about that. It may have been around the
7 SolarWinds cybersecurity incident that we were dealing with at the Department around
8 this time as well. Because I know there were concerns about sharing information within
9 the Department outside of the Department on that issue as well.

10 Q Okay.

11 Okay. Last issue for me. Do you recall any discussions with either the President
12 or Mr. Meadows regarding the role of the Congress or the Vice President in counting
13 electoral votes?

14 A No. I had no discussion.

15 Q Did you have a discussion about that with Mr. Cuccinelli?

16 A No.

17 Q Okay. Any --

18 A Not to my recollection. I don't recall ever having a discussion with Ken
19 about that. Although, obviously, I wasn't oblivious to things that were going on in the
20 news at the time. So I was reading the news like everyone else. But I had no specific
21 or formal discussions.

22 Q Okay. Thank you, sir.

23 [REDACTED] I don't have anything else. Does anybody else on the staff?

24 [REDACTED] Yeah, I have something that follows up specifically on that question.

25 Your previous answer may have encompassed it, but I just want to make sure.

1 BY [REDACTED]

2 Q Did Mr. Cuccinelli ever tell you about whether he had a conversation with
3 the President specifically about the role of Congress or the Vice President --

4 A No.

5 Q -- in the joint session of Congress?

6 A No.

7 Q Okay.

8 Do you know whether Mr. Cuccinelli had conversations directly with the President
9 where you were not involved?

10 A I know he did talk with the President when I was not involved.

11 Q Okay. And was he supposed to or required to report back to you on those
12 conversations?

13 A Required to? No.

14 Q Yes.

15 A No. I mean, we would share information, but Ken had a relationship with a
16 number of folks in the White House, including the President, that predated him working
17 at DHS. So, if it was on DHS issues, we communicated fairly well.

18 Q Okay.

19 A If it was outside of DHS issues on, I don't know, anything else, then, you
20 know, it was up to his prerogative to tell me or not to tell me.

21 Q Okay.

22 [REDACTED] That's all I have.

23 [REDACTED] Thank you.

24 Does anyone else have any questions on this subject matter area before we move
25 on to [REDACTED] questions? [REDACTED] or anyone else?

1 [REDACTED] No.

2 [REDACTED] Okay.

3 [REDACTED]

4 Mr. Block. One second. Can I just get 1 second to put the binder back
5 together?

6 [REDACTED] Yes, sir. Absolutely.

7 Mr. Block. Do you want a bathroom break before we start a new topic, or are
8 you all right?

9 Mr. Wolf. I'm good for now. We'll see how my bladder holds up.

10 Mr. Block. I appreciate it.

11 [REDACTED] Sure.

12 BY [REDACTED]

13 Q Mr. Wolf, I'd like to talk to you a bit about your understanding of some of
14 the long-term intelligence issues, institutional challenges that DHS faced during your
15 tenure.

16 A Yeah.

17 Q You became Acting Secretary in November 2019, right?

18 A Correct.

19 Q Yeah. How well-positioned was the Department to understand the
20 domestic terrorist/domestic violent extremist threat to the homeland when you started?

21 A I think probably as well as they could have been. Again, they try to track a
22 number of threats to the homeland. Some of that they get from the intelligence
23 community if it's coming from overseas. Some of that they get from our operational
24 components. Particularly as it relates to cybersecurity, again, CISA usually gets a lot of
25 that from the private sector itself. And that feeds back into I&A, and then I&A does

1 some open-source reporting as well.

2 So they get information coming into them a variety of different ways. And so
3 whether it was, you know, domestic terrorism, domestic extremism, this is an issue the
4 Department has had to grapple with for some time.

5 So, when I came in as Acting Secretary, I didn't have any reason to believe that
6 there was any issue with them monitoring that threat to the homeland.

7 Q No issue with their capability to handle the issue?

8 A No, not at that time.

9 Q So, if I read this correctly, DHS, I&A particularly, was adequately staffed to
10 handle domestic terrorism?

11 A I would say I&A was adequately staffed as far as FTEs.

12 Q Okay.

13 A The ability -- let me back up. I&A is a misunderstood entity within the
14 Department. Not only within the Department, but outside of the Department. Their
15 capabilities, what they can and can't do, how they're viewed by the intelligence
16 community, on and on and on, they have some real changes there.

17 Q Okay.

18 A And so your question was, do they have enough FTEs? The answer's yes.

19 Q Right.

20 A As far as I knew, they were staffed. Whether they were executing on their
21 mission -- obviously, I'm not the Chief Intelligence Officer.

22 Q Sure.

23 A I had somewhat confidence in the leadership prior to me arriving. And so I
24 didn't have anything -- other than there are some difficult personalities in I&A, nothing
25 was presented to me that said there's systemic problems in I&A in November of 2019.

1 Q Could you unpack some of those concerns you mentioned with I&A a little
2 bit?

3 A Yeah. So there was a specific concern with an individual, Brian Murphy --

4 Q Sure.

5 A -- who was the Deputy at the time. A number of individuals, when it was
6 announced that I would be Acting Secretary, came to me and said, "There's a lot that
7 needs to be reformed in I&A. The very first thing you have to do is remove this
8 individual. He is a cancer to I&A. He is killing the Department. He cannot manage,"
9 on and on and on.

10 Now, I'd been in a number of management positions, including the chief of staff,
11 which dealt with a lot of personnel. There's always some truth to things like this, and
12 then there's some over-- you know, so you've got to weigh it.

13 At that time, I had had very limited personal interaction with this individual, so it
14 was difficult for me to make a personal decision like that. So I took all that in and said I
15 would continue to monitor. He was the number two; I didn't have to deal with him
16 directly.

17 And then I started talking to Dave Glawe, who was the Under Secretary at the
18 time, about his leadership team in place. And so I started down that discussion.

19 Q What were your threat concerns in the domestic terrorism space during your
20 time as Secretary? How would you characterize those?

21 A I think it was always top of mind. I think I testified during my confirmation
22 hearing, which would've been -- I don't even recall -- as Under Secretary, sorry, not as
23 Secretary but as Under Secretary; that probably would've been in the June or July
24 timeframe of 2019 -- that, at least from a policy standpoint, it was, you know, border and
25 immigration, it was cybersecurity, and it was domestic extremism.

1 So I was focused on it, and I knew other elements of the Department were
2 focused on it as well. Now, of course, that evolved during the course of 2020 a variety
3 of different ways. So that was how I came at it.

4 Q Could you talk to us about the variety of ways it evolved?

5 A Well, sure. I think we always -- you know, if you look back at 2019, there
6 were a number -- and even if you go back before that, 2018, there were a number of
7 individual incidents around the country -- it was in Ohio, it was certainly a Walmart in
8 El Paso -- where you had individuals doing very violent acts that we were concerned
9 about: who these individuals were, how they were becoming radicalized to violence,
10 things of that nature.

11 I think as the Acting Under Secretary at the time, I think I even talked about this in
12 Pittsburgh at a conference, about the need to do more on finding these off-ramps to
13 folks.

14 So we were -- at least I was focused on it in the Policy area, and then as the Acting
15 Secretary, about doing more on how do we counter this online. Because that's where
16 we really saw it spreading. And it was very difficult from a law enforcement perspective.

17 So I did a lot of work on that in the Policy office and continued that as much as I
18 could in the Acting Secretary's office, at least continued to put a priority on it. I wasn't
19 doing it every day.

20 Q Right.

21 A That unfolded and evolved, to answer your question, as we got into the
22 summer of 2020. It became less individual acts of violence and more widespread, more
23 of the riot and looting, things that had been peaceful that were then either turning
24 violent or being co-opted to be violent activities that we were concerned about during
25 the summer of 2020.

1 Q And that sort of issue was handled as a domestic violent
2 extremism/domestic terrorism concern by the Department and by I&A?

3 A Yeah, because we were -- there was difficulty across the Federal
4 Government of trying to identify who these individuals were. Was there any
5 coordination, or was it individual cells? Things of that nature. So it was more
6 extremism at the time.

7 Q Expanding a little bit, or getting a little bit broader, how did the Department
8 set its priorities in terms of threats while you were Secretary?

9 A So that's a great question.

10 So, in 2019, I asked that very same question when I got to the Policy office and
11 actually had time to think about these things. And I talked -- and, again, Policy office,
12 there's a front office, but I'm talking with counselors, saying, to my knowledge, there's no
13 one document inside DHS that outlines the threats to the homeland.

14 And I think, although I'm not going to take credit for it, but I think folks around
15 Acting Secretary McAleenan at the time agreed with that, and then they talked to him.
16 The requirement to produce an annual Homeland Threat Assessment then sort of was
17 born and took shape over the next, I don't know, year or so.

18 Q I see.

19 A So I always had that concern. I mean, I think we always looked at some of
20 the general threats, whether it was aviation security, border, cybersecurity. There were,
21 sort of, what we call "evergreen threats" that continue almost day in, day out, year in,
22 and year out. But, you know, we needed to drill down. You know, what was the
23 threat from China on foreign investment in the U.S., and how does that stack up?

24 So the Homeland Threat Assessment was designed to kind of reset everyone.

25 Q So the Department didn't issue, I think, during the Trump administration the

1 Quadrennial Homeland Security Review, the QHSR report, right?

2 A Yeah.

3 Q Were you familiar with the congressional requirement to do that, as
4 Secretary?

5 A We were. I was.

6 Q Yeah. Can you tell us why the Department didn't do this?

7 A Well, those are decisions early on that I wasn't a part of. This was in '17
8 and '18.

9 There's a number of documents that the Department produces: GPRA -- there's
10 a number of them that -- resource allocation reports to Congress that lay out, you know,
11 what the concern is or what the threat is from the Department, what's the resource
12 allocation that we put against that.

13 And so I generally became aware of the concern once I started at headquarters
14 that a document like that was very duplicative of a lot of other documents that we were
15 providing Congress and others. And that would be the answer I give.

16 Q Its duplicativeness -- yeah, not duplicity, but duplicativeness. Yeah. Right.

17 A Duplicative.

18 Q Duplicative, right. So --

19 A But, again, I should also say, during my time in Policy, I did devote resources
20 to producing a QHSR.

21 Q Right.

22 A At least the initial drafts. Now, the QHSR, there's a bunch of requirements
23 to socialize with stakeholders -- I mean, I drilled down into this, so we began kind of
24 pulling all that together.

25 Q Right. It's typically, like, a yearlong process to pull documents together.

1 A Significantly. Yeah.

2 Q Yeah. And it sets the strategic direction for the Department.

3 A Right.

4 Q Yeah.

5 A Outside -- well, some would say inside the DHS strategic plan --

6 Q Right.

7 A -- which is also produced separately. Which, again, goes back to the many
8 different things that --

9 Q Duplicativeness.

10 A Right.

11 Q Swinging back our focus to I&A, I&A had, as I understand it, undergone a
12 restructuring to feature a mission-centered model in 2018 --

13 A Right.

14 Q -- just before you became Secretary. So can you explain why DHS moved to
15 this model?

16 A So I'm not going to be the expert in that model.

17 Q Sure.

18 A I was chief of staff while that was going on. I think that went on -- yeah,
19 before I was Acting Secretary.

20 We had several counselors that focused on intelligence matters, pretty steeped in
21 the intelligence community -- one came from the intelligence community -- that seemed
22 comfortable with that approach. I had no reason, at least as chief, to second-guess that.

23 Q Yeah.

24 A So a long way of answering is, I don't know exactly why they went to that
25 mission-centered approach, but I do recall, trying to align it better with the intelligence

1 community was one of the reasons.

2 Q Were there growing pains in I&A because of that alignment?

3 A Because of that? I don't know.

4 Q Okay.

5 A I have no idea.

6 Mr. Block. I was just going to ask, can you tie this to, kind of, the topics
7 outlined --

8 [REDACTED] Sure.

9 Mr. Block. -- ahead of time by the committee, just so --

10 [REDACTED] Yeah.

11 Mr. Block. We don't have documents on a lot of this, and it's kind of stretching
12 back a bit.

13 [REDACTED] This is an attempt to get at, sort of, long-term, kind of, systemic
14 issues at the Department that may have contributed to it missing the events of 1/6.

15 Mr. Block. Understood. Okay.

16 BY [REDACTED]

17 Q In your opinion, do you think that the changes at I&A, the move to this
18 mission-centered model, helped I&A provide more useful strategic intelligence? Or was
19 it a different focus?

20 A So, again, in my numerous positions at the Department, including Acting
21 Secretary, I tried not to get involved in a lot of intelligence-related issues. We have a
22 Chief Intelligence Officer there. He has statutory -- or she has statutory responsibilities.
23 You know, if they wanted to restructure in a way that achieved that responsibility, that
24 was fine.

25 I usually -- from my perspective, I was very hands-off on that. I didn't have any

1 indication at the time that changes were being made, you know, that people were
2 reacting negatively.

3 Q Okay.

4 A The updates I got from Under Secretary Glawe at the time as chief and then
5 in the Policy area was that people liked the changes that he was making.

6 Q Were you aware of any exceptionally low morale issues at I&A before 2020,
7 before the summer of --

8 A Generally speaking.

9 Q Generally speaking? Okay.

10 A Yeah. Again, it goes back to the conversation -- I&A is viewed a certain way
11 within the intelligence community. It's viewed a certain way within the national security
12 community.

13 Q Could you give us your characterization of those views?

14 A Yeah. The products aren't very well-written. There's not a great analysis.
15 It's cutting and pasting. It's a lot of just not high-quality work.

16 Q Would you characterize --

17 A That would be the general sense that was conveyed to me in 2018,
18 particularly as I -- you know, was as chief of staff. Again, we had a counselor who came
19 from the intelligence community who would routinely come in and just say, you know,
20 there are some issues at I&A, if we want this to be a high-caliber directorate within the
21 Department, that need to be addressed.

22 Q Right. Are you aware of any changes that were made to address those
23 issues?

24 A And, again, they were communicating with Under Secretary Glawe at the
25 time. And we put leadership in place to make those decisions, so --

1 Q Were there any times you didn't take I&A's analytic line on an issue or you
2 had reason to doubt it?

3 A On their analysis? What are you asking specifically?

4 Q So let's say you get a piece of intelligence in front of you and you read it, you
5 have it briefed, and you know enough about the issue yourself or you've been informed
6 from other sources, and you're like, wait a minute, that doesn't check out or doesn't ring
7 true. Were there any times that you had an experience like that?

8 A There were countless times where I was part of the conversation where that
9 occurred.

10 Q Could you give us some examples?

11 A Yeah. That usually revolved around an individual that we had previously
12 discussed coming in -- I was chief of staff at the time -- where he would articulate
13 intelligence; the meeting would conclude; people would stay back and say, that's not the
14 conclusion the intelligence community is reaching.

15 And so, in that regards, that was an issue. It was the analysis and how it was
16 being articulated to senior leadership that was problematic that I found.

17 Q Okay. And this was part of your daily briefs, your Secretary's brief --

18 A Correct.

19 Q -- that you receive? Okay.

20 A Or when I was chief --

21 Q I see.

22 A -- sitting in on some of those. I didn't sit in on all of those.

23 Q So, zooming in on something even more specific, and we had referenced it
24 earlier: In September 2020 -- actually, we didn't reference this earlier. Apologies. In
25 September 2020, you delivered the annual State of the Homeland address.

1 A Correct.

2 Q And I think it's one of our exhibits. It's exhibit 2, if you've had a chance to
3 look at it. It discusses the threats to the U.S., the DHS responses.

4 Do you remember what some of the focal points of the address were? I mean, it
5 was a fairly lengthy address.

6 A Oh, boy.

7 Q Yeah.

8 A It covered the watershed -- it covered the waterfront.

9 Q It did.

10 A It hit on -- it should've hit on all of our threats. I mean, that's the State of
11 the Homeland.

12 Q What were some of the --

13 A Some it hit on more than others.

14 Q Sure.

15 A I mean, at one point, it was, like, a 50-minute speech, and we figured people
16 would fall asleep, so we started cutting. It's a speech, not an assessment.

17 Q Sure. But it is an annual address. It's one of the, kind of, marquee things
18 that the Secretary does, right? Yeah.

19 A Well, it was always designed that the threat assessment would follow -- that
20 they would be married up.

21 Q Okay.

22 A We didn't do it quite, in this case. One came a little after the other.

23 Q Right.

24 If I may, I know you mentioned DHS efforts to take on COVID-19, the pandemic
25 response. You talk at length about that. You talk about DHS's response to civil unrest

1 related to the murder of George Floyd. Combating what the speech described as "crises
2 at the U.S.-Mexico border" takes up a good chunk of space. DHS ensuring U.S. economic
3 security via the tightening of immigration --

4 A Right.

5 Q -- restrictions; malign foreign actors; and election interference.

6 These are the big, big --

7 A That sounds right.

8 Q Yeah. How did your team come to select those key points?

9 A Oh. This was months and months in the making.

10 So this would've been -- again, counselors would've started that process. We
11 had counselors working on all the issues that you described and more. And so they
12 would've collaborated between themselves and said, you know, what are the high
13 points? What are the points that the Under Secretary needs to deliver in a speech
14 versus a report versus an assessment of some kind? What does the Department -- the
15 State of the Homeland is not only about the threat; it's also about morale.

16 Q Sure.

17 A And so it's, how do we communicate to the men and women of DHS that
18 what they do is important as well? So there's a lot of different factors that go into the
19 speech.

20 Q It certainly comes off in your delivery, watching the speech.

21 A Yeah.

22 Q Yeah. Right. It's --

23 A It's, I think, a little bit of the rah-rah.

24 Q Yeah.

25 A You know, at that time, it had been a very difficult year at DHS.

1 Q Understandably.

2 So I'll ask the question, why didn't such an important speech devote more time to
3 violent White supremacists and DVE/DT? It mentioned violent White supremacists in
4 passing once, I believe.

5 A Uh-huh.

6 Q And it just hits on the issue of --

7 A Again, I don't know that we could have put in every single threat. Again, I'd
8 have to read and see which threats that we left out or which ones we didn't talk a lot
9 about. We tried to include -- we tried to cover the waterfront on as many as we could,
10 and we tried to focus on as many as we could.

11 And, with speeches, it's also the result of when it's delivered. You know, we're
12 going to -- any speech, I'm going to rely heavily on the events that occurred, you know,
13 around that speech --

14 Q Sure.

15 A -- to talk about. So, obviously, the summer of 2020 was front and center.
16 COVID was front and center. Border and immigration, there was always something
17 going on, were always front and center as well. And then, of course, we had the
18 election coming up.

19 So I tried to -- or, I should say, we tried to make sure that the topic was -- the
20 speech was relevant to the time in which it was delivered as well.

21 Q Thank you.

22 You have a --

23 A But I don't know that I mentioned -- I don't recall that I mentioned Coast
24 Guard and a lot of Coast Guard threats either.

25 Q Right.

1 A And, again, it's just -- it went on -- it was already 35, 40 minutes. So we
2 couldn't cover everything, so we had to figure out what not to cover --

3 Q Yeah. The FBI --

4 A -- and it was a large portion.

5 Q The Bureau, the FBI, had elevated White supremacy as, like, the key
6 homeland threat, or one of the key ones, for themselves. And I had just found it curious
7 that it was mentioned in passing in terms of homeland threats.

8 A Well, I don't -- again, it's a speech --

9 Q Sure.

10 A -- but we also very much called it out in the Homeland Threat Assessment,
11 which came out a month, maybe, a month later.

12 Q Yeah.

13 A So it wasn't -- and, you know, we had people dedicated to it around the
14 Department. So --

15 Q Sure.

16 A -- it was in one and not the other.

17 Q You have a very powerful passage in the speech, if I may quote you in front
18 of you. In response to the civil unrest in 2020, you say, "Let me be clear. Those who
19 seek to undermine our democratic institutions, indiscriminately destroy businesses, and
20 attack law enforcement officers and fellow citizens are a threat to the homeland, and I
21 want to be clear on that point."

22 Would you apply the same --

23 A Which page is that on?

24 Q That is top of page 5.

25 You got it?

1 A Yeah.

2 Q Yeah. I think I got that verbatim.

3 A Sorry. Top. Is it, "Let me be clear"?

4 Q Uh-huh. "Let me be clear. Those" --

5 A "Those who seek" -- yeah. Okay. Yeah.

6 Q Yeah. So would you apply the same language to the people who attacked
7 police and ransacked the Capitol on January 6th?

8 A I don't know that I have an opinion on that. I'd leave that to you guys.

9 What I was referring to here --

10 Q Sure.

11 A -- and that's what I would talk about -- is obviously the events of the summer
12 of 2020. And I know I mentioned Portland. That's why I asked to see -- I know
13 Portland is mentioned in the sentence --

14 Q Yes.

15 A -- thereafter. So that's specifically what I was talking about.

16 But I would say, generally speaking, I would have a concern about anyone
17 attacking law enforcement, period, full stop, is a concern; anyone attacking democratic
18 institutions would be a concern; or indiscriminately destroying businesses would be a
19 concern. So, yes, I stand by that statement in the speech. I think it's important not to
20 take it out of context, and the --

21 Q Sure.

22 A -- context was within what we were experiencing in the summer of 2020.

23 Q Again, switching gears, is it possible for you to broadly characterize how the
24 White House was involved in shaping the way DHS officials discussed domestic terrorism
25 publicly?

1 A None, to my -- well, I should say, to me, none.

2 Q To you.

3 A Sorry. Your question was how they wanted us to shape it?

4 Q How the White House might have been involved in shaping the way DHS --

5 A None, from my perspective.

6 Q Okay.

7 A Now, again, from my perspective. DHS is a big agency, and the White
8 House is a big entity --

9 Q Sure.

10 A -- and there's conversations that go on beyond my level, or my previous
11 level.

12 Q So did anyone at the White House encourage you to try and consistently
13 mention certain domestic terrorist threats alongside others to --

14 A Nope.

15 Q -- shape the way you talked about it?

16 A No, not to my knowledge -- or, not to my recollection did we ever have any
17 conversations like that.

18 Q Did the White House suggest that you or the Department should shift
19 intelligence resources away from particular domestic terrorism issues toward others?

20 Mr. Block. I'm just going to say that that probably touches on -- I'm concerned
21 that that kind of touches on executive privilege issues outside of the scope of the waiver,
22 but --

23 [REDACTED] Just a "yes" or a "no" would not --

24 Mr. Block. Yeah. He can answer a "yes" or "no."

25 Mr. Wolf. What was the question again?

1 BY [REDACTED]

2 Q Did anyone at the White House suggest that you decrease or --

3 A No.

4 Q -- shift intelligence resources?

5 A No.

6 Q Again, "yes" or "no," and I think it might be a bit repetitive, but did anyone at
7 the White House try and shape intelligence judgments that the --

8 A No.

9 Q -- Department made?

10 Q So, if you don't mind, let's talk a little bit about the Homeland Threat Assessment,
11 the HTA.

12 A Yep.

13 Q That's exhibit 4. I'm sure you're very familiar with it.

14 A I am, yeah. I am.

15 Q Exceedingly familiar with it. It was publicly released in October of 2020.

16 A Yep.

17 Q It was, I believe, the first time that DHS did this?

18 A It was.

19 Q Quite an accomplishment, right?

20 A In theory. I don't know that they've issued another one, so --

21 Q Right.

22 A -- I don't know how annual it's going to be, but we'll see.

23 Q Well, yeah. This was initiated at the request of Acting Secretary Kevin
24 McAleenan. I think you had mentioned that earlier.

25 A Right.

1 Q Yeah. And he made the request in 2019.

2 Did you receive a final version of the HTA intelligence -- the intelligence
3 assessment from I&A in April of 2020?

4 A We received numerous versions from I&A.

5 So, when it was issued, or when the directive was issued from Kevin, this was not
6 an area that I was following when I was in the Policy office. So I had to come up to
7 speed, when I was Acting Secretary, of what exactly this document was designed to be
8 and not to be. And that took me a while. I discussed it with Under Secretary Glawe
9 when he was there a little bit.

10 Q Sure.

11 A But there was a lot going on at the Department at that time.

12 And so, yes, they delivered a product to the front office sometime in that time
13 range. I don't recall exactly what. The product, you know, started getting eyes on it
14 from a variety of different people. When a document like that hits the front office, it
15 doesn't go directly to the Acting Secretary. You have --

16 Q Right.

17 A -- counselors look at it, and you have chiefs look at it, and you have a bunch
18 of people start reviewing it.

19 And they all started waving the red flag that there was some -- there were some
20 concerns on a variety of different fronts on what was being produced.

21 Q Could you articulate those?

22 A Sure.

23 I think the primary one was the description by Kevin to what this was designed to
24 be. I think I&A heard "assessment" and -- and I know this because I had subsequent
25 discussions with ██████████ -- they heard "assessment," and I guess that's an intelligence

1 term of art.

2 Q Yeah.

3 A In my discussions with people that had then left the Department that were
4 part of putting this together, that was not their intention. The direction from Kevin
5 McAleenan was not: I&A, you know, look at only your holdings and come out with a
6 threat assessment. It was: Policy and I&A, work together, produce a document, go to
7 the Hill and brief it together.

8 If it was an intelligence-only assessment, it would've been directed only -- you
9 know, the memo would've been directed only to I&A, and I&A would've been the only
10 one to look at it.

11 So, eventually, when I came around to reviewing it and looking at it, there was a
12 lot of things that didn't make sense to me that were not included.

13 When I asked at a senior leadership forum if senior leadership had seen the
14 document, they had not. And so I think you can appreciate, if the Department issues a
15 Homeland Threat Assessment, which is not classified, which is a public document, and the
16 leaders of the Department haven't seen it, haven't weighed in with their equities, that's
17 problematic.

18 So there was a coordination problem, there was a substantive problem, and there
19 was a process problem that I saw that needed to be rectified.

20 Q And so DHS --

21 A And, again -- sorry. Just to clarify --

22 Q That's all right.

23 A When the Department puts out a threat assessment, it needs to be full and
24 encompassing of the threats to the homeland. It doesn't need to be just what I&A is
25 seeing from their specific viewpoint in the Department, which we've talked about has

1 some issues --

2 Q Right.

3 A -- right? They need to be talking to frontline officers at CBP. They need
4 to be talking to CISA. They need to be talking to a number of our operators to say, what
5 are the threats that you're seeing? And then they need to fold that into here, Coast
6 Guard and the like.

7 And they really hadn't done that. They said they had done that notionally, but it
8 really needed to be a more fulsome conversation with the rest of the Department about
9 that.

10 And then, as it went back through coordination, there were some edits being
11 made, because some entities felt that the threat was not being articulated very well.

12 Q Is it fair to say that I&A started out thinking that this was going to be an
13 intelligence product --

14 A Of course.

15 Q -- and then it shifted to being something different than that?

16 A I don't think it shifted. So the direction to I&A, from my recollection, is -- it
17 was never to be an intelligence product. It was always to be a collaborative product
18 with other elements of the Department, so, therefore, you know, in the traditional sense,
19 it could be just an intelligence product by itself. I don't know -- because, again, I wasn't
20 in the front office -- I don't know why they read it as such, and I don't know why they
21 went down that track to make it as such.

22 But once, again, I started peeling back the layers, I started finding problems, that
23 it's not just an intelligence assessment. If they wanted to produce that, that's fine, and
24 they ultimately did. But the Homeland Threat Assessment, as it's an unclassified
25 document for the general public to read, was not an intelligence assessment.

1 And I feel very strongly about that, I do to this very day, that all of the threats
2 from the homeland, mainly from our frontline operators, have to be reflected in this
3 document. Otherwise, we lose credibility with everyone.

4 Q Just a curious question, I think, is: Does it cease to be an assessment then?

5 A Well, we -- so we had that discussion after the fact, after, you know -- again,
6 I wasn't part of the memo that Kevin McAleenan wrote that described it. I still think it's
7 an assessment.

8 I don't think it's an assessment as the intelligence community looks at an
9 assessment. You know, they have "Assessment" on a variety of their documents, so I
10 understand the confusion now. In plain English -- I'm not an intelligence officer, never
11 have been -- it's still an assessment. But it's certainly not, as I have come to find out,
12 they view an assessment to be.

13 Q What do you think were some of the biggest changes that you made or that
14 the --

15 A So, at the time -- now, again, they delivered it in April, but, as we were
16 looking at it, there was nothing about the summer of 2020 in there, zero.

17 Q Okay.

18 A And so, by the time we got around to reviewing it and asking questions, we
19 said, well, that's kind of a glaring hole. We at least need to put a -- we need to put some
20 mention in there. We need to put that in context.

21 I'm trying to think of other -- that was the one glaring issue. I think there were
22 some revisions around the expansive threat of China to the homeland.

23 Q Okay.

24 A I mean, it's throughout the document.

25 Q Sure.

1 A I don't think, at first blush, they did a very good job on articulating how that
2 cuts across the U.S. landscape and environment.

3 And then, like I said, it was more or less making sure that the head of CBP, the
4 head of ICE, the head of CISA, they all could also stand behind this threat assessment and
5 they had their equities included.

6 Q And it covers domestic terrorism or domestic violent extremism --

7 A It does.

8 Q -- in far more detail than the speech.

9 A It does.

10 Q Yeah.

11 A Yeah.

12 [REDACTED] Can we take 1 minute here? I know you -- can we just get a
13 sense of your timing?

14 Mr. Block. Yeah, I mean, we do have a hard stop at 2:00.

15 Mr. Wolf. What time is it?

16 Mr. Block. It's 1:55.

17 [REDACTED] Okay. So could we just go off the record for 1 second?

18 [Recess.]

19 Mr. Wolf. You know, I think you asked about revisions. The first version didn't
20 have anything about FEMA threats.

21 [REDACTED] Okay.

22 Mr. Wolf. And so we included that. Once FEMA saw it, you know, as you can
23 imagine, they were like, well -- so, again, I tried to -- it's important, because I feel strongly
24 about that. I&A serves a purpose, but they have a very narrow view of what their
25 threats are and what they are tracking. And I didn't view, in a public document, that the

1 public would understand that nuance, that it would understand that. And so it had to
2 be all encompassing. And, sort of, that's where we came out.

3 BY [REDACTED]

4 Q So, just fast-forwarding through my notes to hit the top line here, focused on
5 I&A, do you think that the events of 1/6 constitute an intelligence failure on the part of
6 I&A?

7 A I don't -- no, I don't personally think of it that way.

8 Q Any other sort of failure?

9 A I do. I think -- look, I've been on the record about this. I think there was a
10 major breakdown with the Capitol Police, at the end of the day.

11 Q Yeah.

12 A And so, a number of these coordination calls, you know, from DHS's
13 perspective -- and, look, I'm not even a 20-year law enforcement person. That's not my
14 background. But I know enough to -- you know, from DHS's perspective, we prepared
15 for the worst. We brought in assets. You know, we had more than enough people at
16 different buildings. Yes, we had to pay them overtime and, yes, we had to do a bunch of
17 stuff that you, sort of, don't want to do from a fiscal standpoint, but you've got to be
18 aware of the threat.

19 Q Sure.

20 A I don't know why that didn't occur for the Capitol. I don't know why -- I'm
21 not sure why that didn't occur or why they didn't request -- if they didn't have the assets,
22 why didn't they request DHS assets or, I don't know, National -- you know, in the day
23 leading up to?

24 Those would be some concerns I have.

25 Q Okay.

1 [REDACTED], if you'd like to --

2 [REDACTED] Great.

3 [REDACTED] Thank you very much.

4 BY [REDACTED]

5 Q I just want to put a finer point on what you just said, Mr. Wolf, about the
6 intelligence question that [REDACTED] just asked you.

7 I think you had mentioned that -- are you familiar with some of the reporting after
8 January 6th about some of these warnings in plain sight about, whether it's the
9 donald.win thread or social media posts, about essentially the Capitol itself being a
10 target?

11 A That's the way I inferred his question.

12 Q Right. So, if I&A was aware of that, would you then think it was an
13 intelligence failure?

14 A If they were aware of?

15 Q Of those types of posts and had not --

16 A Yeah. If they were in receipt of very, very specific information that they did
17 not articulate to me or any other senior leader at the Department, that's a problem.

18 Q Okay.

19 A I don't understand that to be the case. I never saw any specific
20 intelligence, as we talked about earlier. It was more general, regarding the events of
21 January 6.

22 And, again, I would just say that there may be a different impression of I&A. I
23 have a very specific impression. It seems like you have spent some time looking at I&A.
24 If I&A picks up anything, they would've turned it over to FBI and DOJ to actually look into
25 it. What I&A doesn't do is investigate.

1 Q Right.

2 A So you can pick up, you know, online chatter, you can pick up anything, and
3 it could be something, it could be nothing. So they then have to hand it off to someone.

4 So it's not like I&A's got the one thing that, you know, everyone needed. It's a
5 very collaborative process, when you look at specific threats to specific infrastructure in
6 the United States.

7 Q Got it.

8 I just want to mark what we just handed you -- and I apologize, too. If you want
9 to take a second to look at this. We just -- we received this. As you might be aware,
10 we received a recent production from the National Archives as of a Supreme Court
11 decision. So I don't mean to blind-side you with this. We literally received it, within
12 hours I think.

13 And this would be -- I'm marking this what exhibit?

14 [REDACTED] Forty-seven.

15 BY [REDACTED]

16 Q Forty-seven. This is, for the record, an order from President Trump dated
17 December 16th, 2020, titled "Presidential Findings to Preserve, Collect, and Analyze
18 National Security Information Regarding the 2020 General Election."

19 Prior to us handing this to you just now, are you familiar with this document?

20 A I'm not, no.

21 Q Had you ever learned about this type of document being drafted by the
22 White House?

23 A Not to my knowledge. Now that I'm, you know, kind of perusing it -- I'm
24 not really reading it, but I'm kind of looking it over --

25 Q Uh-huh.

1 A -- no, none of this --

2 Q Well --

3 A To my recollection, it's not ringing a bell.

4 Q -- admittedly, I'm perusing it with you. Obviously, Dominion Voting
5 Systems is mentioned.

6 A Or it jumps out, yeah.

7 Q And my colleague asked a number of questions about that. Was there any
8 sense during any conversation with the White House --

9 A Sorry, I don't recall any questions about Dominion Voting Systems.

10 Q There was no questions about this specifically? About voting machines?

11 A I mean, generally about voting machines --

12 Q Okay.

13 A This is the individual --

14 Q [REDACTED]

15 A Yeah. I mean, he asked generally about voting machines but not
16 specifically about Dominion. I just want to --

17 Q Oh, no, I appreciate that.

18 A I just want to be clear, unless someone else heard something.

19 Q Were there any conversations specifically about Dominion Voting Systems
20 with the White House?

21 A Not to me. Not with me.

22 Q And I just want to turn to the last page, where it's -- the second page is the "I
23 hereby order," and it looks like there are seven directives to a number of Federal
24 agencies, including DNI, Secretary of Defense. And then number six states, "Assistant
25 Secretary of Defense for Homeland --

1 A Yeah. That's fine.

2 Q -- Homeland Security will coordinate support requirements as needed from
3 the Department of Homeland Security."

4 A Right.

5 Q Was there any discussion internally within DHS, particularly -- the Assistant
6 Secretary would've been Mr. Cuccinelli at that time, correct?

7 A Deputy Secretary?

8 Q The Deputy Secretary -- about this order or the essence of this order, which
9 would be --

10 A I don't have any recollection. And, again, I'm just looking at it now. I see
11 DHS is mentioned twice, maybe --

12 Q Uh-huh.

13 A -- to provide support to.

14 So perhaps, you know, there are elements in the Department, OGC as well as
15 others, that may have looked at it. Because DHS is not front and center, I mean,
16 we -- and, again, I'm just looking at it now.

17 It looks like it's directing DOD to do a number of things here. And it looks like it's
18 telling DHS to be supportive, which -- we're supportive in most things that we do, so --

19 Q I see. So you're saying that --

20 A I don't know that I -- anyway, go ahead.

21 Q But you're saying the Assistant -- number six, it says, "The Assistant Secretary
22 of Defense for Homeland Security will coordinate support requirements." You're seeing
23 that as a supportive role rather than the --

24 A Yeah. I mean, that would've been Ken Rapuano during the Trump
25 administration. I don't know who serves in that role now. At DOD, the Assistant

1 Secretary for Homeland Affairs, or whatever his title was -- Secretary of Defense for
2 Homeland Security, you know, is a senior executive at DOD that would take that mission
3 up. He would coordinate with DHS, and we would be a supporting role to that.

4 Q Who would be that point of contact for Ken Rapuano at Department of
5 Homeland Security?

6 A Substantively, it depends on what he's required to do. Having not seen
7 this, I couldn't --

8 Q It would probably be a coordination person.

9 A Well, yes and no. I mean, that individual knew a lot of folks at DHS. So it
10 looks like it's critical infrastructure, so he may have reached directly out to CISA.

11 Q But, just so I'm clear, you haven't seen this before?

12 A I don't have any recollection of it.

13 Q Okay. And was it ever --

14 A That's not to say that, you know, someone in my front office didn't see it and
15 sort of said, it looks good from our perspective. But I have not seen this.

16 Q Okay. But it would have been something, obviously -- a Presidential order
17 with a role for DHS -- that would have reached your level?

18 A That's difficult to answer. I don't know -- no. I mean, generally speaking,
19 every document that mentions DHS that comes out of the Federal Government or even
20 the White House, it's not -- I don't put eyes on every single document.

21 Q That's fair.

22 A I do if there are substantial equities that the Department is being directed to
23 do or will require significant resources. Then, yes, then staff would make sure that I
24 become aware of that.

25 Again, first time I'm seeing this.

1 Q Right.

2 A I see DHS mentioned twice as a supporting factor. And so I don't -- you
3 know, so I don't know that it --

4 Q Got it.

5 A -- would have come.

6 Q I appreciate your time today. I think you've obviously answered a number
7 of different questions in a number of different categories.

8 I wanted to give you the opportunity to kind of look back, and, in hindsight -- I
9 know you mentioned Capitol Police should've been better prepared. But, prospectively,
10 what can we do, in terms of our role here in the legislative focus, in looking forward and
11 making sure something like this doesn't happen again? What insight do you have?

12 A That's a difficult question. You guys have had the benefit of talking to a lot
13 of people, so -- I have not.

14 I would say a couple of different things. Obviously, the Capitol Police thing I've
15 already mentioned. That's just me thinking tactical.

16 We've talked about I&A. It needs to be reformed. I don't think they have a
17 clear mission, and I think there is confusion that equates out of that not having a clear
18 mission. I think a lot of people think they do a lot more than they actually do.

19 I think that would be my one big takeaway, is, define what that is. And it's
20 extremely difficult because it's not -- you know, it's part of the intelligence community,
21 but it's not really, right? Because it's domestic-focused. And First Amendment rights
22 and a lot of privacy protections here they have a difficult time with. And so that's tough.
23 That's tough for them.

24 I would say, you know, generally speaking, you know, domestic extremism here in
25 the U.S. is tough to track, to identify. You can have really crazy people saying really

1 crazy things, but that doesn't -- you know, they can say that. It's when they cross over
2 to radicalization.

3 The third one, I don't know that it's anything for the committee to do. I think,
4 you know, whether it's violence on January 6 or whether it's violence against law
5 enforcement officers in the summer of 2020, I think everyone needs to be very clear
6 about that, that it's not okay, it's not right.

7 I was very vocal about that in the summer of 2020. That's why I felt very
8 passionate about putting a statement out on January 7th about the attack on law
9 enforcement.

10 We need to make it clear that anyone who does that, there's going to be
11 consequences for that. Not to say that that's going to stop everyone, but I believe it's
12 the right thing to do.

13 Q We talked a little bit about the NSSE status as well. Do you think that
14 would be helpful, to have a coordination of law enforcement agencies as is done
15 successfully when an NSSE status is --

16 A For going January 6 going forward?

17 Q For January 6 going forward specifically.

18 A You know, NSSEs, in theory, are threat-driven because of the iconic nature.
19 So there's a number of different categories. You know, I think if you have professionals
20 look at all the different categories that it would take to reach an NSSE level, and they
21 believe it is, and they want to provide a recommendation, I think that's okay. I think
22 they can do that.

23 It was nothing that was talked about or discussed, not only from DHS, but, again, a
24 number of Federal entities and other State and locals have input into that NSSE. It's not
25 just something that the Department does by itself. I think you could certainly take a

1 look at that.

2 The coordination, I mean, you know, what that gives you, I think it gives you a
3 couple of different things. One, it gives you someone in charge, which, as long as you
4 designate someone in charge, I don't know that you need an NSSE, but nevertheless.

5 And it gives reimbursement back to State and local for providing some security for
6 that event, right? So if it's the Super Bowl and it's in Miami -- I'm making it up -- if it's in
7 Miami, then Miami Police Department is going to be heavily involved. Well, guess
8 what? They get reimbursed by the Federal Government because of the designation of
9 the NSSE, or partial reimbursement.

10 So, you know, if the Federal Government wants to look at that or an
11 administration wants to look at that and say, you know, we want to do that, then I think
12 it's open for a discussion.

13 Q But, as you say, it would be threat-driven, so it may apply for other mass
14 protests even if it's not related to a significant event, like the George --

15 A Well, yeah. I mean, there is a process inside the Department that looks at a
16 number of events every year. Some usually get the designation regardless because of
17 the iconic nature, such as the Super Bowl, the inauguration, Daytona, you know, some of
18 these big events that have big people, large consequence. Others kind of fall on and off
19 that designation.

20 And then there's a lower designation -- I forget what it's called -- NSSE, and then
21 there's a Special -- SEAR, a SEAR rating that gets you some coordination but not as many
22 resources. So, again, it's all threat-driven, and some go on and off of those lists.

23 So I would say, you know, looking forward, January 6, if there is enough threat
24 information that requires it to maybe -- maybe it doesn't rise to an NSSE, but maybe it's a
25 SEAR. I think it should be threat-driven versus just a blanket, you know, for the next 20

1 years, it's just going to be this.

2 Q That's really helpful.

3 [REDACTED] I have nothing else. Does anybody else have any questions?

4 [REDACTED] I don't.

5 Anyone on the Teams have any questions -- final questions? [REDACTED] or anyone else?

6 [REDACTED] I think [REDACTED] just jumped to another one.

7 [REDACTED] He's still there.

8 [REDACTED] All right.

9 [REDACTED] And do you have any people you think we should talk to or
10 anything else you want to clarify or --

11 Mr. Wolf. Well, I don't know who you've talked to, so that's hard to answer.

12 I'm sure you've talked to the Deputy Secretary, but I don't know. He would
13 probably be a good one. I mean, he was involved in most of these issues as well.

14 [REDACTED] Thank you, sir.

15 I think that does it.

16 [REDACTED] Thank you.

17 [Whereupon, at 2:16 p.m., the interview was concluded.]

1 Certificate of Deponent/Interviewee

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4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

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Witness Name

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Date

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